MARCUS TULLIUS CICERO

ON DUTIES

TRANSLATED WITH INTRODUCTION, NOTES, AND INDEXES BY

BENJAMIN PATRICK NEWTON

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For my M. B.

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ON DUTIES

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Acknowledgments

It is only appropriate in a book on *officia* to acknowledge those who acted so amiably as teachers, colleagues, and loved ones. These men and women are the very best of individuals, those who go about their business and lives not simply out of a sense of utility but because virtue is worth pursuing for its own sake. Never fashionable, never fair-weather, always constant, always thoughtful, these are individuals whom I am honored to have worked with and known. My sincere appreciation to Charles L. Babcock and Charles E. Butterworth, who guided my studies of Latin and philosophy, respectively; to David S. Fott and Thomas L. Pangle, who very kindly offered their advice and an editor's eye throughout the writing process, as well as to James F. Pasley, who extended every courtesy while I finished the book; and to my parents, James and Roxann Newton, and my wife, Summer D. Newton, who provided patience, love, and a "spousal sabbatical." Many thanks also to Roger M. Haydon, Karen T. Hwa, Susan C. Barnett, and the anonymous reviewers of Cornell University Press, as well as to Marian H. Rogers of BiblioGenesis, for all of their aid and encouragement. I must also acknowledge my debt to Leo Strauss, whose 1959 course transcript on Cicero provided many hours of pleasure and

much food for thought. Without these people, this book could not have been written.

Introduction

You hold in your hands one of the most famous books ever written by one of the most famous men who ever lived. Marcus Tullius Cicero was a preeminent Roman statesman, orator, and philosopher. He was a champion of republican government, who successfully defended the Roman commonwealth against its overthrow by Lucius Sergius Catilina; a powerful speaker, who transformed Latin into the language of learning for sixteen centuries to come; and a prudent man, who introduced philosophy into Rome, and through Rome, into Christendom and the modern world. *De officiis*, or *On Duties*, has been considered a source of moral authority throughout classical, medieval, and modern times. It was championed by thinkers of no less importance than Thomas Aquinas, Montesquieu, and Voltaire; it was of decisive influence on Hugo Grotius and his *On the Law of War and Peace*; and it was one of the earliest books printed on the Gutenberg press. But the true significance of *On Duties* lies in its examination of several fundamental problems of political philosophy, the most important being the possible conflict between the honorable (*honestum*) and the useful (*utile*). The honorable encompasses the virtues of human beings, which include justice and concern for the common good. The useful encompasses the needs of living beings, which include certain

necessities and concern for private good. Only by understanding the possible conflict between these two sides of human nature may we understand our duties to our community and to ourselves. Throughout *On Duties*, Cicero continually poses the question, Is there a conflict between the honorable and the useful? Is there ever a time when necessity overcomes justice, or when private good conflicts with public good?

This new edition of *On Duties* aims to provide readers who cannot read Latin but wish to carefully study the book with a literal yet elegant translation. Over the last century there have been five complete and two piecemeal editions of *On Duties*,[1] all of which suffer from inaccurate translations and inadequate interpretations. But before discussing the sorts of problems found in earlier editions that directly relate to and distinguish this edition, a few words first must be said about the author and his book.

I

Marcus Tullius Cicero was the elder of two sons born into an influential *equites*[2] family in the town of Arpinum on January 3, 106 BC. He shared his hometown and heritage with Gaius Marius.[3] As a young man Cicero received an excellent education, studying law with Quintus Mucius Scaevola Augur,[4] rhetoric with Apollonius Molon of Rhodes,[5] and philosophy with the Academic Philo,[6] the Stoic Diodotus,[7] and the Epicurean Phaedrus.[8] His ardor for philosophy was immediate and lasted his entire life. As an older man he would continue to associate closely with philosophers, befriending, among others, the Academic Antiochus,[9] the Peripatetic Marcus Pupius Piso,[10] and the Stoic Posidonius,[11] even inviting the above Diodotus to live in his home until Diodotus's death in 59 BC. His closest lifelong friend was the Epicurean Titus Pomponius Atticus.[12]

An ambitious man, Cicero quickly worked his way up the Roman *cursus honorum*, or "path of honors." He first served as an advocate in the law courts and won great fame for his defense of Sextus Roscius of Ameria[13] on a charge of patricide in 80 BC. At a time when the proscriptions[14] of Lucius Cornelius Sulla Felix[15] were still recent, and their execution by his

lieutenant Lucius Cornelius Chrysogonus[16] were still fresh, a twenty-six-year old Cicero chose to defend a man whom Chrysogonus wished to see falsely condemned, while Sulla was alive and well. And he won.[17]

In 75 BC Cicero was elected to serve in Sicily as quaestor, an official who oversaw the commonwealth's finances. He fulfilled the duties of the office so well that the Sicilians later asked him to prosecute their governor, Gaius Verres,[18] for corruption and extortion in 70 BC. By that time Cicero was an aedile, an elected official who oversaw the maintenance of public buildings and regulation of festivals. He undertook the case and successfully prosecuted Verres, prevailing over the defense of Quintus Hortensius Hortalus,[19] a man eight years his senior and then considered to be the most outstanding advocate in Rome.[20] This success helped him win the praetorship in 66 BC, an office that served various functions, such as commanding in the army or judging in the courts. In 63 BC he was elected a consul, one of two officials who served one-year appointments as heads of state and the army. Each of the preceding two offices was won by Cicero on the first attempt, at the minimum age requirement, and, perhaps most impressively, as a *novus homo*, or "new man." It was exceedingly rare for such a "new man," whose ancestors had never been senators, to be admitted into the Senate, let alone win its highest office.

During the year of Cicero's consulship, Catilina[21] attempted to overthrow the government. The conspirators led by Catilina were largely a group of debt-ridden senators who hoped to erase the debt record. The conspiracy was thwarted by Cicero's vigilance in Rome, although an army had to be sent against Catilina and the remnants of his army in Etruria. The temporarily grateful Roman people gave Cicero the honorary title *Pater Patriae*, or Father of the Fatherland.[22] But when the danger had passed, Cicero's enemies, led by Publius Clodius Pulcher,[23] exiled him in 58 BC on the grounds that he executed the leading conspirators, who were Roman citizens, without a trial. This exile might have been avoided had he accepted Gaius Julius Caesar's offer to join what became known as the First Triumvirate, along with Gnaeus Pompeius Magnus and Marcus Licinius Crassus Dives.[24] The purpose of this union was to advance the careers of each of its members at the expense of the common good. But Cicero

recognized the new conspiracy for what it was, and refused. His house on the Palatine was destroyed, his villa at Tusculum was ravaged, and he was forced to flee into Macedonia.

A year later his friend Titus Annius Milo,[25] then tribune, secured his return, and he was warmly welcomed back into Italy and Rome. But the First Triumvirate so dominated Roman politics that Cicero's efforts to reintegrate himself into political life proved futile. Disgusted, he withdrew from politics and devoted himself to writing. It was at this time that his three most political works of philosophy were written, *On the Orator* in 55 BC, *On the Commonwealth* (or *The Republic*) in 51 BC, and *On the Laws* around 50 BC.[26] And yet Cicero did not remain entirely politically inactive during this time. In 53 BC he was elected augur, a priest who interpreted the will of the gods by studying the flight of birds, and in 51 BC he was sent to govern the province of Cilicia. As with his quaestorship in Sicily, he proved a just and capable governor.

When the Civil War broke out between Caesar and Pompeius Magnus, both sides courted Cicero; in the end he chose the side of Pompeius and the Roman commonwealth. After Pompeius's defeat at the battle of Pharsalus in 48 BC, Cicero refused Marcus Porcius Cato Uticensis's[27] offer to command the remaining forces of the commonwealth, was pardoned by Caesar, and returned to Italy.

Cicero's political life was again seemingly at an end. Nevertheless, he writes, "as my mind was incapable of inaction, I thrust myself into those pursuits in which I had been engaged from an early age, believing I could most honorably lay aside my troubles if I returned to philosophy."[28] Philosophy for Cicero was above all the pursuit of wisdom,[29] a pursuit that offered only probable answers to perennial questions,[30] but a pursuit whose beauty was such that one never ought to tire of it.[31] Thus between 45 and 44 BC he embarked on an ambitious program to fully introduce philosophy into Rome,[32] writing his *Academics*, *On the Ends of Good and Bad Things*, *Tusculan Disputations*, *On the Nature of the Gods*, *On Divination*, and *On Fate*, among other works. Having completed his program, he was again swept up into political life.

With the assassination of Caesar in 44 BC, his lieutenant Marcus Antonius and adopted son Gaius Octavius[33] were fighting for control of the Roman commonwealth. Cicero left the countryside for Rome, determined to manipulate Octavius and destroy Antonius. Delivering speech after speech against Antonius in the Senate[34] and exercising the full weight of his *auctoritas* as a senior ex-consul, Cicero's authority was never greater than at this time. Nevertheless, Octavius and Antonius outwitted him, meeting in secret to divide the commonwealth between them. A new proscription list was drawn up and at Antonius's insistence Cicero's name was placed at the top.

The soldiers caught up with Cicero as he attempted to escape by sea. Plutarch writes that when Cicero saw them coming, he ordered his servants to put down the litter in which they were carrying him. Eyeing his would-be murders with a steady stare, he stretched forth his own neck to be cut, and was slain.[35] Not even Cato died with more courage.

It was during this chaotic time in 44 BC, with his philosophical program complete and Rome embroiled in another civil war, that Cicero wrote *On Duties*. Given both the completion of his program and the political turmoil, *On Duties* is Cicero's most puzzling composition. Ostensibly written as a long letter in lieu of a planned visit to see his son,[36] who was studying philosophy in Athens,[37] it soon became something much more.[38] Cicero first mentions the book in a letter dated October 28, in which he states that he would write on the nature of appropriate action on a grand scale.[39] He writes again, reporting the first two books completed on November 5, then refers to it one final time on November 13.[40] Given that he was back in Rome and fully engaged in politics on December 9,[41] scholars speculate the book was completed in under four weeks. The speed of its composition has led many scholars to explain away the conflicting statements or digressions as deficiencies owing to a lack of time for revision.[42] But as will be demonstrated in the notes and especially in the interpretative essay, a great many of these "deficiencies" are intentional. They are meant to reveal a deeper understanding of appropriate action. Thus the speed with which Cicero wrote *On Duties* is all the more remarkable.

II

Anyone who has ever translated a text and written a commentary can attest that the feat is no mean one. The task of a translator is to aim for clear English solidly grounded in the original meaning; of a commentator, to seek the author's intention and communicate it to readers. All editors strive to achieve this difficult feat. And so I begin my brief critique of prior editions with a humble bow of respect to their editors. I may not have always agreed with their translations or interpretations, but I always benefited from consulting them.

Problems with prior editions begin with the translation of the very title and subject of the book, the word *officium*, translated by Miller, Edinger, and Atkins as "duty," and Grant, Higginbotham, and Walsh as "obligation." Cicero selected *officium* as the Latin translation of the Greek word *kathekon*, literally, "appropriate action."[43] Except for the title,[44] I have preferred the much more accurate translation of "appropriate action." Duty and obligation as Cicero understood the concept imply actions that look to the preservation and cultivation of human association or the common good. Not all actions that are appropriate to either the needs or the virtues of human beings look to the common good. Thus translations such as "duties" and "obligations" do not encompass *officia* in general. Nor is elegance sacrificed with a more literal translation. While I have consistently translated *officium* as "appropriate action," it is sometimes awkward in English to put the words side by side. In such instances, I separate them. However, readers will always know *officium* is being translated because the words "appropriate" and "action" always appear within the same clause. Compare Atkins's translation of *On Duties* 1.59 with my own:

> But, one ought when bestowing all these dutiful services to look at what each person most greatly needs, and what each would or would not be able to secure without our help. Thus the degrees of ties of relationship will not be the same as those of circumstance. Some duties are owed to one group of people rather than to another.
>
> (Atkins)

> Now in appropriately performing all these actions, we must consider what is most necessary for each person, and what each person could or could not obtain without our help. Thus degrees of rapport and those of circumstance are not the same, and there are actions that are more appropriately owed to some than to others.
>
> (Newton)

Prior problematic translations of *officium* are exacerbated by their editors' translations of key adjectives describing the different degrees of appropriate action. *Officium perfectum* has been translated by Grant as "perfect," Atkins as "complete," and Miller, Higginbotham, Edinger, and Walsh as "absolute duty," while *officium medium* has been translated by Miller as "mean," Grant as "second-class," Higginbotham and Edinger as "secondary," Atkins as "middle," and Walsh as "intermediate duty." All are problematic. Cicero contrasts two kinds of appropriate actions: those "entirely" appropriate (*officium perfectum*) and those "ordinarily" or "commonly" appropriate (*officium medium* or *commune*). *Perfectum*, from the verb *perficere*, is Cicero's Latin substitute for the Greek *katorthoma*, both of which mean "something done thoroughly" or "something accomplished successfully." Thus I have translated *officium perfectum* throughout as an "entirely appropriate action." *Medium* and *commune* are Cicero's substitutes for the Greek *meson*, both of which mean "middling," "ordinary," or "common." Thus I have translated *officium medium* or *commune* throughout as an "ordinarily" or "commonly appropriate action," respectively. *Officium perfectum* implies the true virtue of the wise man; *officium medium*, the political virtue of the citizen.

Other problems pervade prior translations. For example, *res publica* is translated anachronistically by Miller, Higginbotham, and Walsh as "state," misleadingly by Grant and Atkins as "republic," and variously by Edinger as "government," "country," or "state." *Res publica* literally means "the public thing" or "commonwealth." As Cicero uses the term, *res publica* implies a proper distribution of power within a political community, or a good regime. It must be carefully distinguished from human association at its most basic level (*hominum societas*) and political community as such (*civitas*).[45]

While it is impossible to translate every word exactly the same way every time, nevertheless, I have made an effort to be consistent. Particular attention has been paid to key words such as those found in the glossary and subject index.

Careful translation must be followed by careful interpretation. Therefore, this edition includes comprehensive historical, philological, and intertextual notes to assist readers. Since Cicero is concerned with prescribing precepts in *On Duties*, it is no surprise that he supports them with numerous historical examples. Many of these examples are repeated over the span of the book and can be difficult to remember. Thus I have made a note under each such example, referring readers back to its original usage and my explanatory note. The exception to this rule is when a given example is used so often in *On Duties* as to make it commonplace—for example, Themistocles, Socrates, Plato, Lucius Licinius Crassus, Gnaeus Pompeius Magnus, Gaius Julius Caesar, and so forth. In such instances, unless additional clarification is needed, only the original note and explanation are given. Further, Cicero was a master linguist and endeavored to choose his words carefully. Readers must pay close attention to Cicero's word choice and syntax in order to understand his teaching on any given subject. Accordingly, I have made note of those important philological occurrences that I discovered, as well as those in which I believe attention to a more literal translation is warranted. Finally, intertextual references have been largely limited to the extant primary sources to which Cicero would have had access. However, references to early modern thinkers, in particular, Machiavelli and Hobbes, are included in the notes. These early modern thinkers and their referenced works are not meant to be exhaustive, only illustrative. I have done this, first, to draw out the conflict between classical and modern political philosophy, and, second, because these authors, especially Machiavelli, took pains to attack Cicero and *On Duties*. Indeed, I hope it will quickly become apparent that Machiavelli may well have written his *Prince* in direct reply to Cicero's *On Duties*. At any rate, I believe readers will benefit from the comparison. A selected bibliography has also been provided for readers wishing to review secondary literature.

Unique to this edition is an interpretative essay on the treatise modeled on a method of close reading. Such a method approaches the text respectfully,

endeavoring to understand Cicero as Cicero understood himself. Very often this means reconciling what seem to be conflicting positions, not only within *On Duties*, but across Cicero's entire philosophical oeuvre. The result is hopefully a comprehensive understanding of the text as its author intended. Not all books warrant this method, only first-rate books that were written to be read with care. I hope the analysis found within the interpretative essay will justify this assessment. Some of this analysis is repeated in the notes and the glossary so that readers may take advantage of important concepts while reviewing the text.

The glossary itself is intended to serve as a quick reference on important concepts, freeing readers somewhat from having to comb back through this introduction or the interpretative essay as they read and reread the text. Thus some of the entries are broader in scope than would normally be found in a glossary.

A few further words on the translation. Cicero is not Tacitus and should not translated as if he were. He wrote in florid periodic prose, not terse epigrammatic sentences. Periodic prose is characterized by long sentences in which the main clause or point is usually placed toward the middle or end of the sentence, following a series of subordinate clauses that support or modify the main clause. Such prose is not written exclusively in such sentences, but it is heavily infused with them. When used effectively, periodic prose is powerful and ornate; when not, it is long-winded and overwrought. Too often editors chop up Cicero's sentences in an effort to make them easier to read. True, his sentences sometimes grate upon English ears if not broken up. Also true, as Cicero himself points out, his philosophical works are written in a more "equable and temperate style" than his more forceful speeches.[46] But *On Duties* is still written in periodic prose, and whenever possible I have tried to preserve the style through intelligent use of punctuation. Failing this, I have tried to capture something of its rhythm through good use of conjunctions between sentences. Readers should feel as if they were reading a master of the "grand style" of oratory. To translate *On Duties* otherwise would be to sap its prose of vitality and rhetorical power and to rob Cicero of his most effective and renowned tool.

Moreover, Cicero almost never uses elision, and so it is inappropriate for a translator to use contractions. Thus this translator has respectfully banished

all such uses of the apostrophe from his translation.

This translation is based on the text of M. Winterbottom.[47] As classical Latin texts did not use word spacing, punctuation, or paragraphing, Winterbottom has inserted them, and I have largely followed his text, deviating infrequently. Occasionally I have resorted to the critical apparatus, marking the change in the notes. Sections that he bracketed as being likely interpolations, with which I agreed, have also been placed in the notes. The only time I have always deviated from Winterbottom has been in paragraphing exchanges of dialogue. These exchanges are meant to introduce an element of dialectic in the treatise and give rise to intentionally troubling questions. This is especially apparent in the third book, which explicitly addresses the possible conflict between the honorable and the useful. For historical references I have consulted the *Oxford Classical Dictionary*, second and fourth editions;[48] for philological references, *A Latin Dictionary Founded on Andrew's Edition of Freund's Latin Dictionary*, edited by Charlton T. Lewis and Charles Short,[49] and the *Oxford Latin Dictionary*, edited by P. G. W. Glare;[50] and, for intertextual references, Andrew R. Dyck's *A Commentary on Cicero, De officiis*.

All translations herein are my own unless otherwise noted; as all work on this book is my own, so all errors within it are my own. Finally, with the publication of this book, I attempt to correct a youthful article of mine. While there is something to be said for what I attempted to investigate, I have since found much of my method and many of my conclusions in it to be mistaken.

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[1] The five complete editions are Cicero, *On Duties*, ed. Walter Miller (Cambridge, MA, 1913); Cicero, *On Moral Obligation*, ed. John Higginbotham (Berkeley, CA, 1967); Cicero, *De officiis/On Duties*, ed. Harry Edinger (New York, 1974); Cicero, *On Duties*, ed. M. T. Griffin and E. M. Atkins (Cambridge, 1991); Cicero, *On Obligations*, ed. P. G. Walsh (Oxford, 2000). Book 2 is translated and included in Cicero, *On the Good Life*, ed. Michael Grant (Harmondsworth, UK, 1971), and Book 3 in *Cicero, Selected Works*, ed. Michael Grant (Harmondsworth, UK, 1969).

[2] The *equites* were a Roman social class nearly equal to the senatorial, or highest, class. Originally members of the Roman cavalry, by the first century BC they represented the wealthiest nonsenatorial Romans.

[3] For Gaius Marius, see the note under 1.76.

[4] For Quintus Mucius Scaevola Augur, see the note under 1.109.

[5] Apollonius Molon of Rhodes (fl. 1st century BC) was a Greek orator. He lectured in Rhodes and traveled to Rome in 87 and 81 BC.

[6] Philo of Larissa (160–ca. 80 BC) was an Academic philosopher. At the age of twenty-four, he traveled to Athens to study with Clitomachus, whom he succeeded as head of the Academy in 110 BC. He followed the tradition of Academic skepticism. In 88 BC, he traveled to Rome, where Cicero became his pupil. For a concise explanation of the Academy, see the glossary entry "Academics"; for a detailed discussion, see the introductory and fifth sections of the interpretative essay.

[7] Diodotus (fl. late 2nd century–ca. 60 BC) was a Stoic philosopher. Cicero became his pupil around 85 BC. He later lived in Cicero's house and made Cicero his heir. For a concise explanation of Stoicism, see the glossary entry "Stoics"; for a detailed discussion, see the introductory and third sections of the interpretative essay.

[8] Phaedrus (ca. 140–70 BC) was an Epicurean philosopher. He lived in Rome and for a time was head of the Epicurean school in Rome. Cicero heard him lecture in 88 BC. For a concise explanation of Epicureanism, see the glossary entry "Epicureans"; for a detailed discussion, see the introductory and fourth sections of the interpretative essay.

[9] Antiochus of Ascalon (ca. 130–ca. 68 BC) was an Academic philosopher. A student of Philo of Larissa, he abandoned his master's Academic skepticism in favor of a more dogmatic understanding of knowledge. He was head of the Academy in Athens in 79–78 BC, when Cicero attended his lectures.

[10] Marcus Pupius Piso Frugi (ca. 115–ca. 61 BC) was a Roman orator and statesman. He was quaestor in 83 BC, praetor in 72 BC, and celebrated a triumph from his governorship in Spain in 69 BC. During 67–62 BC he served as a legate under Gnaeus Pompeius Magnus, and for his service was awarded the consulship in 61 BC. He studied Peripatetic philosophy. For a concise explanation of Peripateticism, see the glossary entry "Peripatetics."

[11] For Posidonius of Apamea, see the note under 1.159.

[12] Titus Pomponius Atticus (110–32 BC) was a Roman gentleman. In 85 BC he left Rome for Athens to study Epicurean philosophy. He lived there for the remainder of his life. While he refused to openly engage in politics, he tacitly supported the *optimates*. Four hundred and twenty-six of Cicero's letters to him survive.

[13] For Sextus Roscius of Ameria, see the note under 2.51.

[14] Lucius Cornelius Sulla Felix's second march on Rome culminated in a series of proscriptions, or legally sanctioned murders and confiscations of property, of many of Rome's leading citizens. Their purpose was to rid Sulla of his potential enemies.

[15] For Lucius Cornelius Sulla Felix, see the note under 1.43.

[16] Lucius Cornelius Chrysogonus (fl. 1st century BC) was a Greek freedman and lieutenant of Lucius Cornelius Sulla Felix. He conspired with two relatives of Sextus Roscius of Ameria to frame the latter for patricide in order to purchase his property at an exceptionally low price. At great risk to himself, Cicero successfully defended Roscius.

[17] See Cicero, *For Roscius of Ameria*.

[18] Gaius Verres (ca. 120–43 BC) was a Roman statesman. He was quaestor in 84 BC, praetor in 74 BC, and governor of Sicily in 73–71 BC. While governor in Sicily, he grossly exploited the province for his own gain, and in 70 BC was prosecuted by Cicero for extortion. Cicero undertook so vigorous a prosecution that Verres fled to Massilia and remained there in exile for the rest of his life.

[19] For Quintus Hortensius Hortalus, see the note under 2.57.

[20] See Cicero, *Against Verres*.

[21] For Lucius Sergius Catilina, see the note under 1.77.

[22] See Cicero, *Against Catilina*; Sallust, *Catilina's War*.

[23] For Publius Clodius Pulcher, see the note under 2.58.

[24] For Marcus Licinius Crassus Dives, see the note under 1.25.

[25] For Titus Annius Milo, see the note under 2.58.

[26] Scholars speculate that Cicero wrote *On the Laws* between 51 and 50 BC; they are uncertain exactly when, if ever, he published it.

[27] For Marcus Porcius Cato Uticensis, see the note under 1.112.

[28] See Cicero, *On Duties* 2.4. Hereafter all citations with book and section numbers but no title are from *On Duties*.

[29] See 2.5. See also Cicero, *Tusculan Disputations* 5.9.

[30] See 2.7–8, 3.20, 3.34.

[31] See Cicero, *On Ends* 1.2–3.

[32] See Cicero, *Tusculan Disputations* 2.5; *On Divination* 2.1–7.

[33] Gaius Octavius (63 BC–AD 14), later known as Augustus, was the adopted son and heir of Gaius Julius Caesar. After the assassination of Caesar in 44 BC, he took up his adopted father's fortune and army. Together with Caesar's lieutenants, Marcus Antonius and Marcus Aemilius Lepidus, he joined what became known as the Second Triumvirate, which ruled Rome until Lepidus's exile in 36 BC and Antonius's defeat at the battle of Actium in 31 BC. Now the sole ruler of Rome, he assumed the title Augustus and became the first of the Roman emperors, marking the end of the Republic and the beginning of the Empire.

[34] See Cicero, *Philippics*.

[35] See Plutarch, *Life of Cicero* 48.

[36] For Marcus Tullius Cicero Minor, see the note under 1.1.

[37] See Cicero, *Letters to Atticus* 16.3.4, 16.3.6, 16.7.1.

[38] See 2.45.

[39] See Cicero, *Letters to Atticus* 15.13.6.

[40] See Cicero, *Letters to Atticus* 16.11.4, 16.14.3.

[41] See Cicero, *Letters to Friends* 11.5.1.

[42] See, e.g., Andrew R. Dyck, *A Commentary on Cicero, De officiis* (Ann Arbor, MI, 1996), 10 and elsewhere; Griffin and Atkins, *On Duties*, xix; Walsh, *On Obligations*, liii.

[43] See Cicero, *Letters to Atticus* 16.11.4, 16.14.3.

[44] Just as translators recognize that *The Republic* is a poor title for Plato's *Politeia*, but respect long-standing usage, I recognize that *On Duties* is a poor title for Cicero's *De officiis*, but retain it. The most appropriate title would be *On Appropriate Actions*. See the glossary entry "appropriate action."

[45] When attempting to understand difficult terms, I believe it best to consult the author who actually uses them, especially if he defines them. As an Academic, Cicero almost always defines his terms. For the difference between *res publica* and *civitas*, see Cicero, *On the Commonwealth* 1.39, 1.41, 3.43ff. See also the glossary entries "commonwealth" and "political community."

All references to *On the Commonwealth* are from K. Ziegler's edition, *M. Tullius Cicero: De re publica* (Leipzig, 1969). I have chosen to follow this edition over the more recent one by J. G. F. Powell as scholars are more familiar with its section numbering.

[46] See 1.3.

[47] Cicero, *De officiis*, ed. M. Winterbottom (New York, 1994).

[48] *The Oxford Classical Dictionary,* ed. N. G. L. Hammond and H. H. Scullard, 2nd ed. (Oxford, 1970); *The Oxford Classical Dictionary,* ed. Simon Hornblower, Antony Spawforth, and Esther Eidinow, 4th ed. (Oxford, 2012). I still find the second edition superior to subsequent editions: its

entries are concise and objective, cite mainly primary sources, and are relatively free of academic fads. I have used the fourth edition to supplement the second edition as needed.

[49] *A Latin Dictionary Founded on Andrew's Edition of Freund's Latin Dictionary*, ed. Charlton T. Lewis and Charles Short (Oxford, 1956).

[50] *Oxford Latin Dictionary*, ed. P. G. W. Glare (Oxford, 1983).

Outline

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On Duties

Book One

(1) Marcus, my son,[1] you have been studying with Cratippus[2] for a year now, and this in Athens, so that you ought to abound with the precepts and principles of philosophy owing to the supreme authority of both that learned individual and city, the one able to enrich you with knowledge, the other, precedents. Nevertheless, as I myself[3] have always joined things Latin with Greek for my own utility, not only in philosophy, but even in the practice of speaking, I suppose you ought to do the same, so that you might be equally skilled in both languages. Indeed, in this respect it seems to me that I have been of great assistance to our countrymen,[4] so that not only those ignorant of Greek, but even the learned think they have received some assistance in learning and judging. **(2)** Accordingly, you will continue to learn from the preeminent philosopher of our age, and learn for as long as you wish—that is, for as long as you wish and are satisfied with your progress.[5] But in reading my works, which do not differ much from the Peripatetics, since we both wish to be Socratics and Platonists, you must use your own judgment about these very things; I will not interfere. Still, your speech in Latin will surely improve by reading them. Nor in truth do I wish to be thought to have said this arrogantly. For in knowledge of philosophy, I yield to many; but in the peculiar domain of the orator, in speaking fittingly, lucidly, and

distinctly, since I have consumed a lifetime in that pursuit, if I appropriate this honor for myself, I merely seem to claim it by my own right.

(3) And so I greatly urge you, my dear Cicero, to eagerly read not only my speeches, but also my philosophical books, which now are nearly equal to them.[6] While there is greater force in the former, the latter's equable and temperate kind of speech must also be cultivated. In fact, I see that so far it happens that none of the Greeks have labored in both kinds, pursuing both that forensic kind of speaking and this quieter kind of discussion. Unless by chance Demetrius of Phalerum[7] may be counted among their number: a subtle discussant, a subdued, yet pleasant orator, as you may recognize in a pupil of Theophrastus.[8] But how much I have accomplished in both is for others to judge; certainly, I have pursued both. **(4)** Indeed, I believe that Plato,[9] had he wished to try the forensic kind of speaking, could have spoken most gravely and copiously; and Demosthenes,[10] had he retained and wished to proclaim those things that he had learned from Plato, could have done so distinctly and nobly. I judge the same thing about Aristotle[11] and Isocrates,[12] each of whom, delighted by his own pursuit, despised the other.

But since I have decided to write something to you at this time, much more at another, I especially wish to begin with what is most fitting for your age and my authority.[13] For although in philosophy there are many weighty and useful things discussed carefully and copiously by philosophers, the most widely accessible seem to be those concerning appropriate actions and the precepts derived from them.[14] In fact, there is no part of life, neither public nor private, neither forensic nor domestic, neither in how you conduct yourself nor in your dealings with others, when is it possible to be free from appropriate action. It is in cultivating *this* that all honorableness in life lies, and in neglecting it, disgrace.

(5) To be sure, this is a common query of all philosophers. For who is there who does not hand down precepts on appropriate action and dares to call himself a philosopher? But there are some teachers[15] who overturn all appropriate action in what they propose as the ends of good and bad things.[16] He who holds the highest good to have no connection to virtue, and measures it by his own advantage, not by honorableness, this person, if

he is to remain consistent and not now and then succumb to the goodness of his nature, cannot cultivate friendship, justice, or liberality. In truth, he can in no way be courageous if he judges pain the greatest ill, nor temperate if he holds pleasure the greatest good.[17] And although these things are so manifestly obvious that the matter does not warrant discussion, nevertheless, they have been discussed by me elsewhere.[18] **(6)** These teachers, then, if they wish to be consistent, can in no way speak about appropriate action. Nor can any precepts on appropriate action be handed down that are enduring, stable, and in accordance with nature except by those who say that either solely[19] or especially for its own sake[20] is honorableness desired. Thus advice on appropriate action is peculiar to the Stoics,[21] Academics,[22] and Peripatetics,[23] since the sentiments of Aristo,[24] Pyrrho,[25] and Erillus[26] have long since been rejected. Still, had they left some choice between things, they would have been within their own right to discuss appropriate action, as there might have been a way to approach its discovery. Therefore, at *this* time and especially in *this* query, I chiefly follow the Stoics, not as an expounder, but, as I am accustomed, drawing from their wells as much and in whatever way as in my judgment and discernment shall seem best.[27]

(7) Since, then, the entire discussion is to be about appropriate action, I approve of first defining what appropriate action is. That this was omitted by Panaetius[28] amazes me; for all instruction that relies on reason about any subject ought to proceed from a definition, so that we may understand what it is that is being discussed.

Every query into appropriate action is twofold. The first pertains to the end of good things; the second rests upon precepts, the use of which can shape all aspects of life.[29] Examples of the former kind include whether all actions may be “entirely” appropriate, whether one action may be much more appropriate than another, and others of this same sort. But precepts about the latter kind of appropriate action, while they still involve the end of good things, their involvement is less apparent, because they seem to look more toward instruction in matters of common life. It is this latter kind that must be explained by me in these books.

(8) And there is also another division of appropriate action: what is called a sort of "ordinarily" appropriate action and an "entirely" appropriate one.[30] An entirely appropriate action, in my opinion, we may call "correct,"[31] since the Greeks call it *katorthoma*; but this commonly appropriate action, they call *meson.*[32] Thus they define these things so that what is correct they define as an entirely appropriate action; but an ordinarily appropriate action is so called because a plausible reason may be given for why it is done.[33]

(9) The questions, then, that arise from such deliberation, as it seemed to Panaetius, are threefold. First, people doubt whether a given action under deliberation is honorable or disgraceful; in such considerations, often their minds are drawn away to contrary sentiments. Second, they either examine or ponder whether or not what they are deliberating is conducive to things advantageous and pleasant for life, to resources and abundance, to influence, to power,[34] with which they could help themselves and their own;[35] all such deliberation falls under the reasoning of utility. Third, there is a kind of doubt when what seems to be useful seems to conflict with what is honorable; for when utility seems to seize us toward its aims, and, conversely, honorableness seems to recall us toward its own, it happens that the mind is drawn asunder by such deliberation, and bears for its reflection a twofold concern.

(10) Although it is the greatest vice to omit anything when categorizing, two things have been omitted in this division. For not only are we accustomed to deliberate whether something is honorable or disgraceful, but even between two honorable courses, which is the more honorable; and, likewise, between two useful courses, which is the more useful. Thus, although Panaetius thought its reasoning threefold, we discover the subject ought to be divided into five parts. Therefore, first the honorable must be discussed, but in a twofold manner; next, the useful with the same reasoning; finally, a comparison between the two.[36]

(11) The beginning allotted by nature to every kind of living being is to protect its own life and body, avoid those things that seem likely to cause harm, and seek out[37] and provide for all those things that are necessary for life, such as food and shelter and other things of the same sort.[38] Common also to all living beings is the appetite to unite for the sake of procreation

and to show a certain degree of concern for their offspring. But between the human being and the brute there is especially this difference: the brute is roused only insofar as to apply itself to what is immediate and present—and to this alone—with quite minimal awareness of past or future.[39] But the human being, since he partakes in reason, which allows him to discern consequences, may perceive the causes of things. He is not ignorant of the previous development of things, as it were, their antecedents; he compares similarities, applying and connecting future occurrences with present ones; he easily perceives the whole course of his life and prepares the things necessary to live it out.[40]

(12) This same nature unites one human being to another in an association of language and life by the force of reason;[41] it especially implants in them an exceptional love for their offspring; and it compels human beings to want to gather together and congregate, as well as participate in such assemblages. And it is because of these things that it eagerly desires them to prepare those things needed for cultivation and sustenance,[42] not only for themselves, but for their spouses, children, and others whom they hold dear and ought to protect.[43] This concern further kindles their spirits and makes them greater in the conduct of their affairs.[44]

(13) Especially peculiar to the human being is the examination and investigation into the truth. And so when we are free from necessary business and concerns, we then crave to see, hear, and learn something.[45] We consider inquiry into either hidden or admirable things necessary for a blessed life.[46] Consequently, we may understand that what is true, simple, and sincere is most fitting for human nature. Associated with this longing for seeing the truth is a certain appetite for preeminence, so that a spirit well formed by nature wishes to obey no one except—for his own utility—one who advises or who teaches or who rules justly and legitimately. From this arises greatness of spirit and contempt for human concerns.

(14) This force of nature and reason is truly considerable, since this animal alone perceives what is orderly, what is proper, and what a due measure in deeds and speech is. And so no other animal perceives the beauty, elegance, and harmony of the parts of the visible world. Nature and reason, extending this similarity from the eyes to the mind, have thought all the more that

beauty, constancy, and orderliness ought to be preserved in decisions and deeds; and they caution lest anything is done improperly or effeminately, or in all opinions and deeds, lest anything is done or reflected upon lustfully.[47]

From these things is forged and produced that very thing we are seeking, the honorable, which, even if it is not ennobled, nevertheless, is honorable; for we truly call "honorable" that which, even if praised by no one, is praiseworthy by nature.

(15) Marcus, my son, you are seeing the very form and, as it were, visage of the honorable: "If such a thing could be discerned by the eyes," as Plato says, "it would arouse an extraordinary love of wisdom."[48] Everything that is honorable originates from some one of four parts: either in thoroughly recognizing and perceiving the truth; or in safeguarding human association, giving to each his own, and keeping good faith in agreements made; or in the greatness and strength of a lofty and unconquerable spirit; or in the order and due measure of all deeds and speech, in which are included discretion and temperance.

Although these four things are closely bound and connected with each other, nevertheless, specific kinds of appropriate actions arise from each one individually. Thus the first virtue described above, in which I place wisdom and prudence, is devoted to investigation and discovery of the truth: this is its characteristic function. **(16)** Consequently, whoever clearly perceives what is most true in each matter, whoever most acutely and swiftly can see and explain its reason, this person is duly accustomed to be considered the most prudent and wise. Therefore, the subject matter, so to speak, that this virtue handles and concerns is truth.

(17) But the remaining three virtues aim at necessities. These include the preparation and defense of those things that sustain the activity of life, so that both human association and unity are preserved, as well as excellence and greatness of spirit are manifested—manifested not only in increasing our influence and procuring utilities for ourselves and our own,[49] but, still more importantly, in despising these very things. Moreover, also associated with this sort are orderliness and constancy and moderation and other similar qualities that concern not simply intellectual activity, but a certain

action; for by employing a due measure and order in the affairs performed throughout our lives, we shall safeguard honorableness and propriety.

(18) Now with respect to the four parts into which we have divided the nature and force of the honorable, the first, which consists of inquiry into truth, belongs especially to human nature. For we are all drawn and led by a longing to inquire and know, and think excellence at it beautiful; but to go wrong, to err, to not know, to be deceived, we consider bad and disgraceful.

Inherent to this kind of virtue, both natural and honorable, are two vices that must be avoided. First, we must[50] not hold matters that have not been inquired into as if they have been inquired into, nor assent to them rashly. He who wishes to avoid this vice—and all should wish it—will take the time and care to contemplate them. **(19)** Second, it is a vice of certain people to direct excessive devotion and exertion over obscure and difficult matters—which are likewise unnecessary. By avoiding such vices, what is worthy of effort and care will be placed in honorable matters and inquiry, and will rightly garner praise. Examples include Gaius Sulpicius[51] in astrology, whom I have heard; Sextus Pompeius[52] in geometry, whom I have come to know; many more in dialectics, and still more in civil law.[53] All of these arts are concerned with the investigation of truth.

Devotion to the sort of pursuits that lead us away from business is inappropriate action;[54] for all praise of virtue consists in action. Still, there is often pause from such activity, and many are given the opportunity to return to these devotions. Moreover, our intellectual activity, which never ceases, preoccupies us with a pursuit of inquiry, even without our effort. But all reflection and activity of our mind will be concerned either in taking counsel on honorable matters and what pertains to a good and blessed life, or in devotion to knowledge and inquiry.

About the first source of appropriate action I have now spoken. **(20)** Of the remaining three, the one most widely applicable is the reasoning by which human association and, as it were, communal life[55] may be sustained. There are two parts to this: justice, that most resplendent virtue, on account of which men are called “good,” and, connected to it, beneficence, which likewise may be called either kindness or liberality.[56]

Now the first function of justice is that no one should harm another unless provoked by injury; the second, that one should use communal property on behalf of communal interests, private property on behalf of one's own interests.[57] **(21)** To be sure, no property is private by nature, but rather owing to long-standing occupancy, as when a people formerly arrived at an unoccupied area; or to victory, as when they acquired it through warfare; or to law, agreement, contract, or lot.[58] Thus it happens that the land of Arpinum is said to belong to the Arpinates, Tusculum to the Tusculans, and a similar assignment of other private possessions. Therefore, since what becomes each person's "own" is actually part of those things that had been by nature common, whatever happens to fall to each person's lot, he ought to keep. And if someone should desire another's property for himself, he would be violating what is right for human association as such. **(22)** But since, as was superbly written by Plato, we are not born for ourselves alone, it happens that our country claims a part of us, our friends another;[59] and, moreover, as approved by the Stoics, everything that arises on earth is created for the use of human beings, but human beings are born for the sake of other human beings, so as to benefit one another.[60] In this we ought to follow nature as a guide and make common utilities commonly available,[61] such as in reciprocating appropriate actions, in giving and receiving, now our arts, now our services, now our resources, and thereby more closely unite human beings in association.

(23) Moreover, fundamental[62] to justice is trust—that is to say, the constancy and honesty of assertions and agreements. Consequently, although this will perhaps seem too rigid to some, nevertheless, let us dare to imitate the Stoics, who eagerly seek from whence words are derived, and let us accept that trust (*fides*) is so called because what is said should also be done (*fiat*).

But there are also two kinds of injustice: first, the injustice of those who inflict injury; second, those who, although able, do not repel injury from those upon whom it is being inflicted. For he who unjustly attacks another, whether he is incited either by anger or by some other perturbation, that person, as it were, seems to raise his hand against an ally. And he who, although able, neither defends against nor opposes the injury done to

another, that person is as vicious as if he had abandoned his parents, friends, or country.

(24) As to the former sort of injury, those that are consciously inflicted for the sake of causing harm, often they are perpetrated out of fear, as when someone intends to harm another, fearing that unless he do so, some misfortune will befall him. But for the most part people attempt this sort of injury in order to secure those things that they fervently desire, the most widely applicable motive for this vice being avarice. **(25)** For wealth is desired, not only for the useful necessities of life,[63] but also for the enjoyment of pleasures. But in those of greater spirit, the longing for money aims at influence and the ability to gratify others. For example, Marcus Crassus[64] recently denied any amount of money to be large enough for someone who wished to be preeminent in the commonwealth on whose interest he could not field an army. Magnificent adornments and a life cultivated by elegance and abundance also delight; but the result of these things is an endless longing for money. In truth, the enlargement of our own estate must not be condemned when no one is harmed, but injury must always be avoided.

(26) Moreover, when most people fall prey to a longing for public offices, honors, and glory, they are so carried away that they become oblivious to all considerations of justice. As Ennius[65] says:

> No sacred association nor good faith belongs to kingship.[66]

This saying is widely applicable. For whenever there is situation in which many are unable to excel, a great struggle usually occurs in which it is exceptionally difficult to preserve a "sacred association." This was only recently demonstrated by the temerity of Gaius Caesar:[67] he overturned all right principles[68]—divine and human—for a preeminence of place that, in his mistaken opinion, he had contrived for himself. What is additionally troubling about this kind of situation is that longings for honor, rule, power, and glory arise in the greatest spirits and noblest characters.[69] All the more, then, must we beware of transgressing in this kind of situation.

(27) But with all injustice, it makes a very great difference whether the injury is caused by some perturbation of the mind, which is generally brief and momentary,[70] or is premeditated and planned. For the former sort, which occurs owing to some hasty emotion, is more capricious than the latter, which is devised and prepared.

Enough has now been said about inflicted injuries. **(28)** However, the neglect to defend another and the abandonment of appropriate action usually have many causes. For example, people may refuse to undertake such a defense either out of enmity or effort or expense; or, again, because of negligence, laziness, sloth; or are so impeded by certain devotions or occupations of their own that those whom they ought to protect they permit to be abandoned. And so we must see whether what was said by Plato about philosophers is actually sufficient: that because they are concerned with the investigation of truth and despise and think worthless those things that most people vehemently desire and fiercely struggle over, that they, the philosophers, are just.[71] To be sure, they achieve the one sort of justice—not harming another by causing injury—but they fail in the other. For impeded by their devotion to learning, they abandon those whom they ought to protect. And so they think that they ought not to enter public affairs unless compelled. But it is more equitable that this is done voluntarily; for this very thing is just—that what is done correctly is done voluntarily. **(29)** There are also those who, whether out of devotion to protecting their own estate or some sort of hatred for human beings, say they mind their own business, seemingly injuring no one. These people are free from the one sort of injustice, but fall prey to the other; that is to say, they abandon communal life[72] by contributing to it none of their devotion, effort, or ability.

(30) Since, then, we have attached causes to each of the two kinds of injustice proposed, and previously established those things that sustain justice, unless we indulge in excessive self-love, we will now easily be able to judge what, in each circumstance, is an appropriate action. Yes, concern for the affairs of others is difficult. Although Terence's[73] Chremes may "think nothing human foreign to him,"[74] nevertheless, because we perceive and feel those things that turn out either well or adverse for ourselves more than those for others, we see the latter as if from a far distance, and judge

them differently from our own. Consequently, such people advise well who forbid any action in which you may doubt whether it is equitable or inequitable. For equity is conspicuous in itself; doubt signifies the contemplation of injury.

(31) Still, there often occur circumstances when those things that especially seem to be worthy of a just human being, and for which we call a man "good," change and become the opposite. Examples include returning a deposit even to a madman,[75] fulfilling a promise, and such things as pertain to truth and trustworthiness. Now and then these things change, and to quit them becomes just. Thus it is proper to refer back to those things that I laid down in the beginning as being fundamental to justice: first, that no one harms another, and, second, that one serves the common utility.[76] When these things are changed by circumstance, the appropriate action changes and does not always remain the same.[77] **(32)** For it can happen that some promise or agreement should turn out to be useless, either to the one to whom it was promised, or to the one who made the promise.[78] For example, as related in the fable, if Neptune had not fulfilled his promise to Theseus, Theseus would not have been bereaved of his son Hippolytus. For having been given three wishes, as it is written,[79] this was his third: in a fit of anger he wished for Hippolytus to die. The wish was granted, and Theseus fell into the greatest of grief.[80] Therefore, promises must not be kept that are useless to those to whom you promise; nor, if they should be more harmful to you than beneficial to those to whom you made the promise, do you act inappropriately[81] to prefer the greater good to the lesser. Again, if you should arrange to appear as an advocate for someone in court, and, in the meantime, your son becomes gravely sick, you do not act inappropriately[82] to renege on your word. No, it is rather the person to whom you made the promise who strays from acting appropriately,[83] if he should complain that you abandoned him. For who does not see that those promises cannot be kept that someone makes compelled by fear or misled by deceit?[84] In fact, many such things are annulled[85] by the right of the praetor, some by the laws.

(33) To be sure, there often arise injuries owing to a certain calumnious and exceedingly cunning but malicious interpretation of what is right.[86] It is

because of these that the remark "Supreme right, supreme injury" has become proverbial in conversation.[87] With respect to this sort, many wrongs are committed even in public affairs, as in the case of the individual who, having made a truce with the enemy for thirty days, laid waste to their lands by night, claiming that the truce pertained to the days, not to the nights.[88] Nor can we approve of the case of Quintus Fabius Labeo[89]—if in truth it was him or someone else, for I have it only on hearsay. He was appointed by the Senate as an arbiter in a border dispute between the Nolanians and the Neapolitans. When he arrived at the area, he spoke with both sides separately, urging them not to act rashly, not to be greedy, and to prefer to pull back rather than advance. When both sides had done this, there remained a considerable amount of land in the middle. And so he terminated the borders of both peoples as they had specified, and adjudicated what was left in the middle to the Roman people. This was *deception*, not adjudication. Consequently, all such cleverness must be avoided.

(34) Moreover, there are some actions that ought to be appropriately observed even toward those from whom you may have received some injury; for there is a due limit to vengeance and punishment. I even wonder whether it is not sufficient that the perpetrator regret his injury so that he himself should do no such thing afterward, and others should be more hesitant to cause injury.

In particular, the laws of warfare[90] must be observed especially in public affairs. Now there are two kinds of arbitration: one through discussion, another through force. Although the former is characteristic of a human being and the latter of brutes, we must have recourse to the latter if not permitted to use the former.[91] **(35)** Thus wars must be undertaken for this cause: that we may live in peace without injury.[92] But when victory has been achieved, those who were not cruel in warfare, who were not brutal, must be spared. So it was that our ancestors even gave citizenship[93] to the Tusculans, Aequians, Volscians, Sabines, and Hernicians;[94] but Carthage[95] and Numantia[96] they razed to the ground. I would not have sanctioned the destruction of Corinth,[97] but I believe they pursued such a course owing to its especially opportune location, lest someday the place itself might rally to

war. It is *my* sentiment that we must always look to a peace that in no way holds future treachery. If I had been heeded in this matter, we would still have, if not the best, at least something of a commonwealth, whereas now we have nothing of the sort.[98] And, yes, we must look to the interests of not only those who have been pacified by force, but even those who have laid down their arms and consigned themselves to the good faith of the generals —even though the battering ram may have smashed through their walls— they, too, must be received.[99] To such a degree was justice in this respect cultivated by our ancestors that the very people who had received in good faith those political communities and nations pacified in war would, by ancestral custom, become their patrons.

(36) Equity in warfare has also been most solemnly drawn up in accordance with the fetial law[100] of the Roman people. Consequently, we may understand that no war is just unless either waged after a request for restoration, or due notice has been given beforehand and officially declared.[101] **(37)** There actually exists a letter from Marcus Cato the Elder[102] to his son Marcus, in which he writes that he had heard that his son, who had been serving in Macedonia in the war against Perseus,[103] had been discharged by the consul. He therefore advised him to be mindful not to enter into battle; for he denied that it was right for one who was not a soldier to fight the enemy.

I also note that one who would have properly been called an "enemy" (*perduellis*) was actually called a "guest" (*hostis*), thereby mitigating the severity of the thing by the mildness of the word. For he who was called a "guest" (*hostis*) by our ancestors is now called a "foreigner" (*peregrinus*). The Twelve Tables[104] indicate this: "on an appointed day for a trial with a guest (*cum hoste*),"[105] and, likewise, "in a dispute with a guest (*adversus hostem*), ownership is perpetual."[106] What could possibly be added to such gentleness—to call him with whom you wage war by so mild a name? Now in its antiquity the word has lost the meaning of "guest" and applies strictly to him who bears arms against you.

(38) In truth, when struggling over rule and war is sought for glory, there certainly ought to be the same underlying causes that I said above are just causes for war. But these wars that have the glory of rule as their object

must be waged less harshly. For as when we struggle with a fellow citizen one way if he is an enemy, another if he is a rival—the latter a struggle over honor and distinction, the former over life and reputation—so war was waged with the Celtiberians[107] and Cimbrians,[108] as if with deadly enemies, simply to survive, not to rule;[109] but the struggle with the Latins, Sabines, Samnites,[110] Carthaginians,[111] and Pyrrhus[112] was over rule. Yes, the Carthaginians broke treaties, Hannibal[113] was cruel, but the rest were more just. In fact, Pyrrhus uttered these superb words about the return of prisoners:

> Neither do I demand gold for myself, nor should you give a reward to me,
> Not as merchants in war, but as warriors
> With the sword, not gold, let us decide life.
> Whether Chance wishes you or me to rule, or whatever it should bring,
> Let us test it with virtue. Hear, too, these words:
> Those whose virtue Fortune spares in war
> Their liberty is certain to be spared by me.
> I present them to you, take them, and I do so with the approval of the great gods.

A truly kingly sentiment and worthy of the Aeacidae race!

(39) And, yes, even if individuals have been induced by circumstances to promise something to an enemy, this very promise ought to be kept in good faith.[114] For example, in the First Punic War, when Regulus[115] was captured by the Carthaginians and sent to Rome to arrange an exchange of prisoners, he swore he would return. When he arrived, he first advised the Senate not to return the prisoners, and, next, although detained by relatives and friends, he preferred to return to face torture rather than betray the trust he had given to the enemy.

(40) Moreover, in the Second Punic War, after the battle of Cannae, Hannibal sent ten people to Rome bound by sworn oath[116] to return unless they secured the ransom for those who had been captured.[117] The censors disenfranchised all of them for the rest of their lives because they had sworn falsely. Nor were they any less severe to the individual who incurred blame

for breaking his sworn oath by fraud. For when he had left the camp by permission of Hannibal, he returned saying he had forgotten something. He then left the camp thinking he had absolved himself of his sworn oath—but he had done so in speech, not in substance. Thus in matters of good faith, what always must be considered is what you meant, not what you said.

Another excellent example of justice toward an enemy was established by our ancestors when a deserter from Pyrrhus promised the Senate he would give a poison to the king, thereby killing him. The Senate and Gaius Fabricius,[118] then consul, delivered him to Pyrrhus. Thus they did not even condone the death of a powerful enemy—and one who was waging war unprovoked—by criminal means.

(41) Enough has now been said about actions appropriate to martial affairs. Additionally, we must remember to observe justice even toward the meanest of people. The meanest condition and fortune is that of slaves. Consequently, such people do not advise badly who order us to use them like mercenaries: make them work, but give them their just due.[119]

Moreover, injury occurs in one of two ways, either by force or by fraud. Fraud seems like the way of the fox; force, the way of the lion.[120] Both are exceedingly foreign to a human being, but fraud is worthy of the greater hatred. Finally, there is no sort of injustice worthier of capital punishment than those who not only commit it, but even are so deceptive that they seem to be good men.[121]

Enough has been said about justice. **(42)** Next, as was proposed, beneficence and liberality must be discussed. Indeed, there is nothing more suited to human nature yet so full of caution as beneficence. For we must ensure that, first, our kindness does not actually hurt the very people for whom it would seem to be kindly done, nor others; second, our kindness must not be greater than our resources permit; and, third, it must be bestowed upon each according to his worth.[122] These caveats are fundamental to justice, to which all acts of beneficence must be referred.

Those who gratify someone in such a way that they hurt the very person they seem to wish to benefit must be judged neither beneficent nor liberal, but rather as pernicious flatterers. And those who harm some so that they might be liberal toward others fall prey to this same injustice, no less than if

they had converted another's property into their own. **(43)** There are also those who, longing for splendor and glory, take from some what they lavish upon others, and think they will seem beneficent toward their friends provided they enrich them—never mind the reason.[123] So far removed is this from appropriate action that nothing could be more contrary to it. Therefore, we must ensure that we use such liberality as benefits our friends, but harms no one. Accordingly, Lucius Sulla[124] and Gaius Caesar's transfer of money from its just owners to others ought not to seem liberal; for nothing is liberal that is not likewise just.

(44) The second caution is that our kindness must not be greater than our resources permit. Those who wish to be kinder than their means allow are the first to transgress in this because they injure their own relations; for it is more equitable to make this abundance available to them and give to others what remains. Moreover, inherent to such liberality is usually a longing to pillage and plunder injuriously so as to ensure a sufficient abundance for our largesse. Surely we can see that most such people are not so much liberal by nature as carried away by vainglory, so as to seem to do many things out of beneficence that seems to originate more from ostentation than free will. But such pretense is more in keeping with insincerity than either liberality or honorableness.

(45) The third point proposed was that in acts of beneficence, selection must be made according to worth. In such cases, the customs[125] of the one being favored must be considered, the spirit in which he regards us, the degree of community and association in our mutual lives, as well as his past actions appropriately performed for our utility.[126] That all these things coincide is much to be desired; if they do not, the more numerous and greater considerations ought to have more weight. **(46)** To be sure, we do not live with human beings who are entirely and plainly wise, but with those who act superbly if they are mere likenesses of virtue. And I reckon this, too, must be understood: no one must be entirely neglected in whom some indication of virtue is apparent. Indeed, we must especially cultivate the person distinguished by the gentler virtues, discretion, temperance, and that very thing about which so much has already been said, justice. For the spirit of a human being courageous and great, yet incomplete and unwise, is

generally too impetuous; but these other virtues seem to belong more to a good man. This much said about customs.

(47) Next, when considering the goodwill with which each regards us, the foremost appropriate action is to bestow the most upon the one who happens to esteem us most. But this goodwill should be judged, not in the custom of adolescents, by a sort of intensity of love, but rather in a steadfast and consistent manner.

But if our gratitude is merited, so that it must not be initiated but repaid, greater care must be exercised; for no action is more necessarily appropriate than repaying one's gratitude. **(48)** Now if, as Hesiod[127] commands, you must, if possible, return in greater measure those useful things you received out of need,[128] what ought we to do when presented with an unsolicited favor? Do we imitate fertile fields that yield much more than they have received? For surely if we do not doubt that we ought to act appropriately[129] toward those from whom we hope to receive some future benefit, how ought we to behave toward those who have already benefited us? For since there are two kinds of liberality, one of granting favors, another of returning them, insofar as it is within our power, ought we not be permitted to return them to a good man, provided it can be done without causing injury? **(49)** Still, there must be some discernment made between favors received, and no doubt we owe the most to our greatest benefactor. Nevertheless, in such cases what must above all be weighed is in what spirit, devotion, and goodwill each person acted. For many people do many things with a sort of rashness and thoughtlessness, incited to grant favors to everyone owing to a mind either sick or prone to sudden impulses, like the wind. Such favors must not be held as great as those that have been thoughtfully, carefully, and consistently granted. But in bestowing a favor and repaying our gratitude, all things being equal, the action especially appropriate is to give the most assistance to whoever is most in need of our influence. Most people do the opposite: they look most to the interests of him from whom they hope to receive the most, even if he needs nothing from them. **(50)** But human association and unity will best be preserved if the most kindness is bestowed upon those with whom we are closest.[130]

It seems we must now revisit more thoroughly the natural beginnings of community and human association.[131] First is the bond that distinguishes the association of the entire human race. This bond is reason and language,[132] which, through teaching, learning, communicating, debating, and judging, reconciles human beings with one another, uniting them in a sort of natural association. In no other way are we farther removed from the nature of wild creatures. We often say they have courage, such as found in horses and lions,[133] but we never say they have justice, equity, or integrity;[134] for they lack reason and language. **(51)** This is association at its furthest extent, uniting human beings as human beings and all to all. At this level, a sense of community must be preserved with respect to everything that nature has born for the common use of human beings. Those things that have been distributed by statutes[135] or civil law must be retained such as have been established by these very things; the rest should thus adhere to the Greek proverb "Everything in common among friends."[136] And so those things that are common among all human beings seem to be of the sort asserted by Ennius, which, while applied to a single example, may be extended to numerous others:

> The human being who courteously points the way to one lost
> Kindles, as it were, another's light with his own.
> No less does his own light shine, now that he has kindled another's.[137]

From this one example he advises well enough that whatever can be lent without detriment ought to be granted even to a stranger. **(52)** The following are such "common things": "Do not obstruct access to running water"; "Permit another to take fire from your fire"; "Give trustworthy counsel to those requesting advice." Such things are useful to those who receive them, and no trouble to the one who gives them. Accordingly, we must use such advice and always contribute something to the common utility. But since the resources[138] of individuals are limited, while those in need of them are an unlimited multitude, vulgar perceptions of liberality must be referred back to that limit set by Ennius, "No less does his own light shine"; for there should remain the means by which we may be liberal to our own.[139]

(53) Moreover, there are many degrees of human association. As we depart from that unlimited one shared by all mankind, still nearer are one's own people, nation, and language, which more closely unite human beings. Still closer is one's own political community; for many are the things shared in common among citizens—forum, temples, colonnades, streets, laws, right principles, law courts, voting privileges, in addition to habits and attachments, as well as the concerns and reasoning that are shared by many with many others. And in truth still closer is the bond of one's own familial association.[140] Thus from the immense association of the human race, one is finally enclosed within this insignificant and narrow one.[141]

(54) Now since it is the common nature of living beings to have a lust to procreate,[142] the first association is this very wedlock;[143] this is immediately followed by one's children, who, in turn, are followed by the larger household in which everything is held in common. Thus familial association[144] is the beginning of a city and, as it were, the nursery of a commonwealth. Next follow the relations between brothers, then first and second cousins; these, although unable to be taken within the same household, depart to other households, as if to colonies. Still next follow marriages and the relations by marriage, which result in even more relatives. Such propagation and progeny are the origins of commonwealths.[145] And it is blood relations that closely unite human beings in goodwill and affection; **(55)** for the custody of the same monuments of one's ancestors, the use of the same sacred things, the custody of common tombs, means a great deal.

But of all associations, none is more excellent, none more enduring, than when good men of similar customs unite together in intimacy. For that honorable conduct of which I have so often spoken moves us, even if we discern it in another, and makes us befriend those in whom it seems to reside. **(56)** And although all virtue attracts us to it and acts in such a way that we esteem those in whom it seems to reside, nevertheless, justice and liberality especially accomplish it. Again, nothing is more amiable, or more intimate, than the similarity of good customs; for those who have the same devotions, the same inclinations, it happens that each delights in the other as much as he delights in himself. And so what Pythagoras[146] wanted in

friendship is accomplished: many become one. What also means a great deal is the sense of community that is accrued from voluntary favors here and there given and received. As long as these things are mutual and appreciated, such things closely unite people in enduring association.

(57) Now when you consider the matter with all reason and mindfulness,[147] of all associations, none is more important, none more dear to each and every one of us, than the commonwealth. Our parents are dear, our children are dear; so, too, our relatives and intimates; but the fatherland alone embraces all that is dear to all of us. What good person would doubt whether he ought to meet his death on its behalf, if he should be able to benefit it? How much more detestably savage are those who tear the fatherland to pieces with every sort of criminality, who are or have been occupied in destroying it utterly?[148]

(58) But if a certain tension and comparison should arise as to who must be considered the most appropriate recipient of our actions, first in rank[149] are our fatherland and our parents, on account of whose favors we are most obliged. Next come our children and the larger household, all of whom look to us alone for support and can have no other refuge. Then come relatives whom we find congenial and who usually also share a common fortune. Accordingly, the assistance necessary for life is owed especially to those I have spoken of above. Still, a life and a livelihood[150] shared in common, counsel, conversation, exhortation, consolation, often even rebuke, thrive especially in friendship. And that friendship is most pleasant that is united by a similarity of customs.

(59) Now in appropriately performing all these actions, we must consider what is most necessary for each person, and what each person could or could not obtain without our help. Thus degrees of rapport[151] and those of circumstance are not the same, and there are actions that are more appropriately owed to some than to others. For example, you may sooner have to help a neighbor gather his harvest than a brother or other intimate; but in the case of a lawsuit, you may have to defend a relative or friend rather than a neighbor. Therefore, these and other such things must be considered with respect to the appropriateness of every action,[152] so that we may be good "calculators" of the appropriateness of our actions, adding and

subtracting to see what sum remains, understanding how much is owed to each. **(60)** But as neither doctors nor generals nor orators can obtain anything worthy of great praise without use and practice, no matter how many precepts of their art they acquire, so, too, are precepts handed down on safeguarding appropriate actions—as I am now doing—but the importance of the matter demands use and practice.

How the honorable, upon which the appropriateness of action depends, is derived from those things that are right for human association, I have now said near enough. **(61)** But since it was proposed that honorableness and appropriate action emanate from four kinds of virtue,[153] we must now understand the one that seems noblest because it is performed by a spirit great and elevated and contemptuous of human concerns. And so remarks such as these are quite obviously said in scorn:

> You youths certainly conduct yourselves with a woman's spirit; that maiden, a man's.

Or something of this sort:

> Son of Salmacis, your spoils have been won without sweat or blood.[154]

Opposite these remarks are those in praise of actions conducted courageously and excellently by a great spirit—those that somehow we praise, as it were, with a full breast. Hence Marathon, Salamis, Plataea, Thermopylae, Leuctra, have become training grounds for rhetoricians,[155] hence our Cocles, hence the Decii, hence Gnaeus and Publius Scipio, hence Marcus Marcellus,[156] and innumerable others, most especially the Roman people itself, excel in greatness of spirit. Their devotion to martial glory is further attested by their statues we see, nearly all of which are dressed in military attire.

(62) Now this elevated spirit that is discernible in dangers and labors, if devoid of justice, and fights, not on behalf of communal well-being, but one's own advantage, is a vice; for not only is it not a virtue; it is a savagery repugnant to all humanity. And so this spirit is properly defined by the Stoics as "courage," since they call this virtue "the one that fights on behalf

of equity." Consequently, no one who has pursued glory by treachery or malice has won praise for possessing courage; for nothing can be honorable that is devoid of justice. **(63)** Hence that superb saying of Plato's: "Not only," he said, "must knowledge that is removed from justice more properly be called cunning than wisdom, but in truth that spirit that is impelled by its own longing, not by the common utility, is more properly called audacity than courage."[157] And so we wish men to be courageous and magnanimous, likewise good and guileless, friends of truth and in no way deceitful. Such things are central to justice being praiseworthy.

(64) But what is really hateful is that this elevated and magnanimous spirit can so very easily be imbued with obstinacy and an excessive longing for preeminence. For example, we read in Plato that all the customs of the Lacedaemonians were inflamed with a longing for conquest;[158] and so it happened that whoever was especially preeminent in greatness of spirit also especially wished to be the preeminent ruler, nay, the sole ruler.[159] Moreover, it is difficult to sustain equity—which is especially characteristic of justice—when you fervently desire to best everyone. The result is that such spirits can neither endure being conquered in debate, nor by anything publicly and legitimately thought right. So they usually introduce bribery and faction into the commonwealth in order to acquire as much influence as possible, and prefer superiority through force rather than equality through justice.[160] But the greater the difficulty, the greater the splendor; for under no circumstances ought justice to be absent. **(65)** Therefore, those individuals must be considered courageous and magnanimous, not who cause, but who repel injury. So the greatness of a spirit true and wise pursues that honorable conduct that is especially in accordance with nature, namely, that resides in deeds, not proclaimed in glory. It prefers to *be* rather than to *seem* preeminent. For surely he who takes his bearing from the fallacy of the ignorant multitude must not be numbered among the great men. Again, the loftier a person's spirit, the more readily he is impelled to unjust acts out of a longing for glory. This is surely slippery ground, since we scarcely encounter a person willing to undertake labors and hazard dangers who does not desire glory, as if in payment for services rendered.

(66) A spirit entirely courageous and great is discernible in two ways. The first is contempt for external goods, owing to such a human being's persuasion that nothing except what is honorable and proper ought to be admired or chosen or desired, and who submits to no other human being nor perturbation of the mind nor fortune. The second is, in the spirit I spoke of above, to undertake great and useful things, and vigorously to pursue those that are arduous and laborious and dangerous to life and much of which pertains to life. **(67)** Of these two things, all the splendor, greatness—I even add utility—lies in the latter; but the cause and reason men become great lie in the former. For it is the former that makes spirits excellent and contemptuous of human concerns.

Now this former is itself discernible in two ways: if you either judge the honorable alone to be good, or you are free from every perturbation of the mind. For it must be considered characteristic of a courageous and great spirit to consider unimportant and despise with steadfast and proven reason those things that seem extraordinary and superb to most people. So, too, must it be considered characteristic of a firm spirit and great constancy to bear those things that seem harsh, which in so many and varied ways pertain to the lives and fortunes of human beings, so that in no way do you stray from the state of nature,[161] in no way from the dignity of a wise person.[162]

(68) Moreover, it is inconsistent for one who is not shattered by fear to be shattered by longing; or for one who proves himself to be impervious to labor to be pervious to pleasure. Accordingly, these things must be shunned, and the longing for money avoided; for nothing is as narrow- and as small-minded as the love of wealth, and nothing more honorable and magnificent than contempt for money, if you do not have it, or, if you do, than devoting it to beneficence and liberality. We must also beware the longing for glory, as I said above; for it rips away the liberty on whose behalf every effort ought to be made by magnanimous men. In truth, public offices ought not always be desired, but now and then refused or sometimes resigned. **(69)** Moreover, we must be free from every perturbation of the mind, not only longing and fear, but even sorrow and excessive pleasure and irascibility, so that our minds may be tranquil and carefree; in turn, this achieves not only constancy, but even dignity.

Now there are and have been many who, desiring this tranquillity of which I speak, have removed themselves from public business and taken refuge in leisure.[163] These are comprised of the noblest and far most preeminent philosophers, as well as certain austere and venerable human beings who cannot endure the customs of the populace or other preeminent people. Some of these people live in the country and take delight in their family estate. **(70)** Their objective is the same as that of kings: to want for nothing, to obey no one, to make use of a liberty that is characterized by living as you please. This objective, then, is common both to those longing for power and to those of leisure I mentioned. The first think they can secure it if they have significant influence; the second, if they are content with the little that is theirs. Neither sentiment is entirely to be despised, but the life that is easier and safer, as well as less oppressive and less bothersome to others, is that of those of leisure. Still, the life more profitable to the human race, and more fitting to renown and greatness, is that of those who devote themselves to public affairs and the performance of great deeds.

(71) So perhaps we must condone those who do not devote themselves to public affairs, either those of excellent character who abandon themselves to learning, or those impeded by feeble health or some serious cause, since they condone the power and praise of its administration being given to others. Now when there is no such cause for these individuals, if they should say they despise those things that most people admire—public offices and magistracies—*this* I think ought to be regarded not only as illaudable, but in truth even as a vice. It is difficult to disapprove of their judgment, insofar as they despise glory and think it worthless. But they seem to fear labors and troubles, in addition to, as it were, the ignominy and infamy of offense and defeat. For there are those who are quite inconsistent in contrary matters: they hold the most severe contempt for pleasure, but are more susceptible to pain; they neglect glory, but are shattered by infamy. And even in these things they are less than consistent.

(72) But those who by nature have the means to administer affairs must abandon all hesitation, secure public office, and administer public affairs; for in no other way can either a political community be ruled or greatness of spirit be revealed. Moreover, those devoted to public affairs, no less than philosophers—I wonder if even more so—must employ that loftiness and

contempt for human concerns of which I repeatedly speak, as well as a tranquil and carefree mind, if indeed they are to live without anxiety and with gravity and constancy. **(73)** These things are easier for philosophers, insofar as their lives are less exposed to the many things that fortune may bring; they want for much less, and, if they encounter some adversity, they cannot fall as far. Consequently, it is not without cause that those who administer public affairs are spurred on by greater perturbations of the mind to accomplish greater pursuits than those in retirement. All the more, then, must they employ that greatness of spirit and freedom from anguish.

He who undertakes such administration, however, must take heed not only to consider how honorable the work is, but also whether he has the ability to perform it. In this very performance, he must give careful thought neither to despair rashly out of cowardice, nor to exhibit excessive confidence out of longing. In short, before undertaking any endeavor, careful preparation must be made.

(74) Although most people think that martial affairs are greater than urbane ones,[164] this opinion must be curtailed;[165] for many have often sought out wars owing to a longing for glory.[166] And this usually happens to great spirits and characters, especially if they are fit for military affairs and long to wage war. Nevertheless, if we truly wish to judge the issue, many urbane affairs stand out as being greater and more famous than martial ones.

(75) For example, although Themistocles[167] rightly may be praised, and his name may be more illustrious than Solon's,[168] although Salamis may be invoked as a most famous victory and that victory may be preferred to the counsel of Solon that first established the Areopagus, the latter must be judged no less superb than the former. For the former benefited their political community but once, while the latter will always benefit it. By this counsel the laws of the Athenians are conserved; by this counsel the institutions of their ancestors are preserved. Themistocles could in no way say that he aided the Areopagus, but it could truly be said to have aided Themistocles; for war was waged on the counsel of the very senate that was established by Solon. **(76)** The same thing may be said about Pausanias[169] and Lysander.[170] Although we may think the rule of the Lacedaemonians to

have been acquired by the exploits of these individuals, nevertheless, they in no way compare to the laws and teachings of Lycurgus;[171] nay, it was because of these very things that their armies were more obedient and more courageous. Nor did it seem to me as a boy that Marcus Scaurus[172] was inferior to Gaius Marius,[173] or, when I was active in public affairs, Quintus Catulus[174] to Gnaeus Pompeius;[175] for arms abroad are small help unless there is good counsel at home. Nor did Africanus,[176] unique both as a man and as a general, benefit public affairs more by razing Numantia[177] than, at this same time, did Publius Nasica[178] as a private citizen when he killed Tiberius Gracchus.[179] To be sure, this latter affair is not exclusive to the reasoning underlying the domestic sphere; it also touches upon martial affairs, since it was accomplished by physical force. But the deed itself nonetheless was done on urbane counsel and without an army.

(77) And so that saying is best that I hear is usually attacked by wicked and envious people:

> Let arms yield to the toga, let the laurel yield to acclaim.[180]

For disregarding others, did not arms yield to the toga when I was steering the commonwealth? Certainly the danger to the commonwealth was never more serious, nor ever more tranquil. By my counsel and diligence the very arms of the most audacious citizens slid from their hands and fell to the ground.[181] What affair conducted in war, then, was ever so great? Who ought to be awarded a triumph? **(78)** Let me be permitted to boast[182] to you, Marcus, my son, to whom both the inheritance of this glory and the imitation of my deeds pertain. In fact, Gnaeus Pompeius, a man certainly abounding in martial praise, in the presence of many listeners, paid me this tribute: he said that he would have won his third triumph in vain, unless, by my service[183] to the commonwealth, he even had a commonwealth in which to triumph.

Domestic courage, then, is not inferior to military courage; rather, we must place more of our effort and devotion in the former than the latter.

(79) The honorable conduct that we are seeking in a spirit lofty and magnificent is entirely achieved from strength of mind, not body.

Nevertheless, the body must be exercised and trained in such a way that it may obey counsel and reason in the performance of business and endurance of labor. Moreover, the honorable conduct for which we are searching is wholly posited in the care and reflection of the mind; consequently, no less utility is contributed by those who govern our commonwealth as Roman citizens than those who wage war. And so by the counsel of such people, often wars either are not undertaken, or they are carried through to the end, and some even initiated, such as the Third Punic War by Marcus Cato,[184] whose authority on the matter prevailed even after his death. **(80)** Accordingly, reason must be preferred to decide an issue rather than courage to combat it; but we must beware of doing so out of a desire to avoid conflict,[185] rather than out of reasons of utility. In short, war should be undertaken in such a way that we seem to have no other object than to seek peace.

It is truly characteristic of a courageous and steadfast spirit to be unperturbed by adverse affairs, nor agitated, as it is said, when knocked off balance. We must instead use our presence of mind and counsel, and not stray from reason. **(81)** And while that is characteristic of a great spirit, this is also characteristic of a great character: to anticipate future events by reflection, in some way to conjecture what in any event might occur, as well as what must be done given what has occurred, and to act in such a way that we need never say, "I had not thought of that." Such efforts befit a spirit great and lofty, trusting in prudence and counsel. On the other hand, to rashly maneuver for battle and physically clash with the enemy befits a certain savagery and is similar to the brutes.[186] Still, when circumstance and necessity demand, we must physically fight it out to the end, preferring death to slavery and disgrace.[187]

(82) It is also characteristic of a great man in periods of unrest to punish criminals, to safeguard the multitude, and, regardless of fortune, to preserve what is correct and honorable. For as there are those who, as I said above,[188] prefer martial to urbane affairs, so, too, can you find many for whom danger and rash counsel seem nobler and greater than rest and reflection. **(83)** *Never* must we avoid danger so as to seem unwarlike and timid; but we *ought* to avoid simply offering ourselves to danger without

cause—nothing could be more foolish. Accordingly, in approaching danger, we must imitate the habit of doctors who apply mild care to the mildly sick, but dangerous and double-edged care to the grievously sick. It befits a madman to choose tempests during periods of calm, but a wise person to bring all his reasoning to bear during the tempests. And this all the more so if a successful outcome can bring more good than uncertainty can ill.

Moreover, some actions are dangerous for those who undertake them, others for the commonwealth; likewise, some people are called upon to put their lives at peril, others their glory and the goodwill of their fellow citizens. Therefore, we ought to be more willing to place in danger our own interests than communal interests, and more ready to risk our honor and glory than other advantages. **(84)** Still, many can be found who, while prepared to pour forth not only their money, but even their lives on behalf of the fatherland, in turn are not willing to sacrifice their glory in the least, not even if the commonwealth demands it. Take the example of Callicratidas:[189] although as a leader of the Lacedaemonians he performed remarkably well during the Peloponnesian War, he completely ruined everything when he would not heed the counsel of those who thought the fleet ought to be withdrawn and battle with the Athenians avoided. He replied to them that if the fleet was destroyed, the Lacedaemonians could build another, but he could not flee without disgracing himself.[190] And yet this was an average blow to the Lacedaemonians. The following was a disastrous one: when Cleombrotus[191] rashly clashed with Epaminondas[192] because he feared unpopularity, and the influence of the Lacedaemonians eclipsed as a result. How much better fared Quintus Maximus,[193] of whom Ennius writes:

> One human being alone by delaying restored the situation to us.
> He certainly did not place popular talk before safety.
> Thereafter and ever more to this day, glory illuminates this man.[194]

This sort of transgression must also be avoided in urbane affairs; for there are those who feel that, even if it was best, nevertheless, they dare not speak out for fear of unpopularity.

(85) Those who would govern the commonwealth should hold fast to two precepts of Plato: first, they should protect what is of utility to the citizenry in such a way that whatever they do is in reference to it, oblivious to their own advantage; second, they should care for the whole body politic,[195] and not, while protecting some one part, abandon the rest.[196] Administration of a commonwealth is like a guardianship: it must be conducted for the utility of those whom have been entrusted to your care, not for those to whom it was entrusted. On the other hand, those who take into consideration the interests of a part of the citizenry and neglect another introduce a most pernicious thing into a political community: sedition and discord. The result is that some are seen as being attached to the multitude,[197] others as adherents of the best people,[198] and few as devoted to everyone. **(86)** Hence there has been much discord among the Athenians, and in our own commonwealth, not only sedition, but even disastrous civil war. A serious and courageous citizen worthy of preeminence in the commonwealth will avoid and hate these things. He will surrender himself completely to the commonwealth, and will pursue neither influence nor power; instead, he will protect the whole commonwealth so as to take into consideration the interests of everyone. In truth, he will not bring anyone into hatred or envy with false accusations.[199] He will so completely adhere to justice and honorableness that so long as he preserves them, no matter how grievous the setback to himself, he would rather meet his death than abandon those things I mentioned.

(87) Canvassing and the struggle over honors is a most wretched affair. Plato's remarks on the matter are again superb: "Those who struggle among themselves over who would better administer a commonwealth act similar to sailors fighting over whom would best pilot a ship." He likewise advises that we should consider those people adversaries who would bear arms against us, but not those whose intention it is to protect the commonwealth.[200] Such was the sort of disagreement that existed without bitterness between Publius Africanus[201] and Quintus Metellus.[202]

(88) In truth, we should not listen to those who think we ought to be severely angry with our enemies, and suppose this is what it means to be a magnanimous and courageous man; for nothing is more praiseworthy,

nothing is more worthy, of a great and superb man than placability and clemency. In truth, among free peoples where there is equity,[203] both affability and what is called "high-mindedness"[204] must also be practiced. If not, we are liable to become angry with those who either approach us at inconvenient moments or make impudent requests, and so fall prey to a useless and hateful peevishness. Nevertheless, gentleness and clemency must be commended only insofar as severity may also be employed for the sake of the commonwealth—without which it is impossible to administer a political community. Still, all censure and punishment ought to be free of insult and in reference to the utility, not of the one doing the punishing[205] or reprimanding, but of the commonwealth. **(89)** We must also take care that the punishment is not greater than the crime, and that while some are punished, for the very same offenses others are not even indicted. Moreover, the one administering the punishment must refrain from anger; for an angry person never approaches the task of punishment in keeping with an average standard[206]—that is, something in between too much and too little—as approved by the Peripatetics, and correctly so.[207] Now if only they would not praise irascibility and say it was a useful gift from nature. In truth, irascibility must be rejected in all situations; instead, we must demand that those who govern the commonwealth resemble the laws:[208] they are led to punish, not out of anger, but equity.

(90) Moreover, in periods of prosperity and when things are going our way, we should especially avoid pride, in addition to fastidiousness and arrogance. For as in periods of adversity, to conduct oneself immoderately in those of prosperity is characteristic of fickleness. So equability at all times in life is superb; likewise, to show the same composure on one's face as we hear Socrates[209] and Gaius Laelius[210] did. Yes, in deeds and glory, King Philip of Macedonia[211] was surpassed by his son;[212] but, in affability and humanity, he was superior to him. And so the former was always great, while the latter was very often a disgrace. And so those people seem to advise correctly, who remind us that the greater we are, the more humble ought to be our conduct. In fact, Panaetius says Africanus,[213] his pupil and intimate, was accustomed to say that as they consign to trainers horses that exude ferocity from their frequent exertions on the battlefield, so as to use

them more easily, so, too, ought human beings who became unbridled from prosperity and were overconfident be led, as it were, to a training ground for reason and learning, so that they might perceive the precariousness of human concerns and fickleness of fortune. **(91)** Further, in periods of the greatest prosperity, we must especially use the counsel of friends, whose authority ought to be deferred to more than ever before. In such times we must take heed not to open our ears to flatterers, nor allow ourselves to be flattered. It is all too easy to be flattered; for we think we are the sort of people who should rightly garner praise. Thereupon human beings become so inflated by these opinions that innumerable transgressions arise; they become the objects of disgraceful ridicule and writhe in the greatest of errors.

So much for these things. **(92)** In sum, the verdict must be that the greatest deeds are done by and the greatest spirits belong to those who rule a commonwealth, since its administration has the widest applicability and pertains to the most people. Still, there also are and have been great spirits living in retirement, who either investigate or attempt great things of a sort, and confine themselves to the limits of their own affairs. Still further are those who occupy a place in between the philosophers and those who administer a commonwealth, who delight in their own estate, finding no reason to enlarge it but neither preventing its use, preferring instead to bestow it upon friends and the commonwealth, if ever it should be of use.[214] Such an estate ought to be, first, honestly obtained, and not through any disgraceful or hateful acquisitive activity; second, usefully granted to as many people as possible, provided only they are worthy of it; and, third, enlarged by reason, diligence, and thrift, subject less to lust and luxury and more to liberality and beneficence.

He who observes these precepts will live a magnificent, dignified, and high-minded life, in addition to being a candid, trustworthy, and true friend to other human beings.[215]

(93) It remains for me to speak on the one last part of honorableness in which is discerned a sense of shame and, as it were, distinction to life, temperance and discretion, as well as the allying of all perturbations of the mind and a due measure in all things. This part comprises what may be called in Latin “propriety,” in Greek, *prepon*. **(94)** The force of propriety is

such that it cannot be separated from the honorable; for what is proper is also honorable and what is honorable is also proper. Thus the qualitative difference between the honorable and propriety is easier to understand than to explain; for what is proper only becomes apparent in light of the honorableness preceding it. And so what is proper is apparent not only in this *one* part of honorableness, which must be discussed here, but also in the three previous parts. For example, the prudent use of reason and speech, the thoughtful performance of one's affairs, and the recognition and maintenance of the truth in all things are proper; conversely, to be deceived, to err, to lapse, to be duped, are as improper as derangement and dementia.[216] Again, insofar as everything just is proper, so everything unjust is disgraceful and thus improper. Similar is the reasoning underlying courage; for what is performed by a manly and great spirit is worthy of a man and seems proper; conversely, insofar as it is disgraceful, it is improper. **(95)** So what I call "propriety" in fact pertains to all aspects of honorableness, and it pertains to them in such a way that we need not have recourse to some abstruse reasoning, but is obvious to all. For a certain aspect of what is proper is perceptible in every virtue, and may be separated from virtue more in supposition than in substance. As the attractiveness and beauty of the body are inseparable from health, so, too, must this propriety of which I speak be entirely meshed with virtue, but distinguished in contemplation and reflection.

(96) Thus the division of propriety is twofold: we may perceive of both a general sort of propriety that concerns honorableness as a whole, and another subordinate to this one that pertains to the individual parts of honorableness. The former division is usually defined in this manner: propriety is that which is consistent with human excellence, insofar as human nature differs from other living beings. On the other hand, those who define the part subordinate to this sort usually wish propriety to be that which is consistent with nature, insofar as it evinces moderation and temperance, as well as a certain appearance of liberality.

(97) To better understand these things, we can consider the propriety for which poets strive—about which they usually say many things elsewhere.[217] But we say a poet "observes what is proper" when what is

done or said is in keeping with a role.[218] For example, if Aeacus or Minos should say:

Let them hate, if only they fear,

or

The father is himself his children's tomb,[219]

such remarks would seem improper because we have been told they were just people. Yet such remarks made by Atreus would incite applause; for such speech is in keeping with his role. But whereas poets judge what is proper for each person according to his role, nature herself imposes on us a role of surpassing excellence and superiority over other living beings. **(98)** And whereas poets see what might be apposite and proper for a great variety of roles, including the vicious ones, that of constancy, moderation, temperance, and a sense of shame has been given to us by nature. And since this same nature teaches us not to ignore how we conduct ourselves with other human beings, it becomes apparent, on the one hand, how far this propriety extends to every aspect of honorableness, and, on the other, how it is also observed in this individual virtue. For as the beauty of the body attracts the eye in the fitting arrangement of limbs, and delights us because all the parts are harmoniously joined together with a certain charm, so, too, does this propriety that is manifest in life attract the approbation of those with whom we live owing to the orderliness and constancy and moderation of all speech and deed.

(99) Some respect, then, must be shown to other human beings, both to the best and to the rest. For to ignore how someone feels about you is characteristic not only of arrogance, but even of utter dissoluteness. Moreover, we must consider the difference between justice and shame when reasoning about human beings. It is characteristic of justice not to violate other human beings; of shame, not to offend them. In this the force of propriety especially may be perceived. I think, then, this explanation makes clear what sort of thing we have said propriety is.

(100) Now the appropriate action that is derived from this virtue first takes into consideration which path is conducive to harmony with and observance of nature. If we follow nature as a guide, we shall never stray; that is, we will follow what is keen and attentive by nature, what is well suited to human association, and what is vigorous and strong.[220] But the greatest force of propriety is inherent to this part that we are now discussing; for not only should the activity of the body be approved of that is fitting according to nature, but still much more so the activity of the mind, which likewise is well suited to nature.

(101) Twofold, then, is the force and nature of mind: one part is located in appetite, called *horme* in Greek, which pulls a human being here and there; another in reason, which teaches and explains what must be done or avoided.[221] The result is reason commands, appetite obeys. Moreover, every action ought to be free from temerity and negligence, nor in truth conducive to anything for which we cannot offer a plausible cause; for this is almost a description of appropriate action.[222] **(102)** Further, we must ensure that appetites obey reason, neither taking the lead nor abandoning it out of sloth or laziness, and remain tranquil and devoid of all perturbations of the mind. All constancy and moderation are manifest in such composure. For those who allow their appetites to wander too far, and, as it were, exult in desire and abandon, are insufficiently restrained by reason—these people cross every boundary and due limit without feeling any doubt. Indeed, they forsake and discard obedience, refusing to obey the very reason that they are subject to by the law of nature.[223] Thus not only are their minds perturbed, but even their bodies. A person's very face allows us to discern either who is angry or agitated by some lust or fear or quivering with excessive pleasure—their expressions, voices, gestures, and postures are all changed. **(103)** Consequently, to return to the subject[224] of appropriate action, it is understood that all appetites must be reined in and restrained, and one's mindfulness and diligence roused, so that we do nothing rashly or casually, thoughtlessly or negligently.

Nor has nature so born us that we seem to be made for games and humor, but rather for self-discipline and more important and greater pursuits. To be sure, there is a use for games and humor, but, as with sleep and other

pastimes, after we have satisfactorily completed important and serious matters.[225] Humor itself should not be excessive or immodest, but liberal and witty. For as we do not give complete license to boys to play, but such license as is compatible with honorable actions,[226] so, too, in humor itself should some indication of good character be manifest. **(104)** Altogether there are two kinds of humor: one illiberal, petulant, flagrant, and obscene; another elegant, urbane, clever, and witty. Not only are our Plautus[227] and the old Attic comedies[228] filled with this latter kind of humor, but even the books of the Socratic philosophers,[229] as well as the many sayings of many people that have been collected by Cato[230] under the title *Apophthegmata*. Therefore, the distinction between liberal and illiberal is an easy one. The former, if circumstances permit, such as when the mind is relaxed, is worthy of a most serious human being; the latter, quite unworthy of a free person, if the subject is disgraceful or the words obscene. There must also be a certain due limit imposed on games, lest we entirely squander ourselves, and, elated with pleasure, slide into some sort of disgrace. At any rate, both our Campus Martius and the pursuit of hunting[231] provide examples of honorable games.

(105) But what pertains to every query into appropriate action is the always-obvious consideration of how much human nature surpasses that of cattle and the rest of the brutes. These creatures perceive nothing except pleasure and are borne to it by every impulse.[232] But the human mind[233] is nourished by learning and reflecting, it is driven on by a delight in seeing and hearing, and it is always either examining or engaged in something.[234] Nay, even if someone is somewhat more inclined to pleasure, provided only that he is not a sort of cattle—for some human beings are human, not in substance, but in name only—but if he should stand a little more erect, however much he may be captured by pleasure, he hides and dissembles his appetite for pleasure out of a sense of shame. **(106)** Consequently, it is understood that bodily pleasure is not entirely worthy of human excellence and ought to be despised and rejected. But if there is someone who grants something to pleasure, he must be careful to set a limit to his enjoyment.[235] And so cultivation of the body and sustenance should be in reference to health and strength, not pleasure.[236] And if we also wish to consider what is

excellent and dignified in our nature, we should understand how disgraceful it is to waste away in luxury and to live effeminately and pampered, and how honorable it is to live frugally, contentedly, austerely, and soberly.

(107) It must also be understood that by nature we, as it were, assume the part of two roles. The first of these is common to us all insofar as we all partake of that reason and excellence in which we surpass the beasts, from which everything honorable and proper derives, and by means of which some reasoning is sought to discover what appropriate action is.[237] But the second is strictly assigned to individuals. For as there are great dissimilarities in people's bodies—for example, we see some have great speed for running, others great strength for wrestling, likewise, some have dignified figures,[238] others attractive ones—so, too, does there exist a still greater variety of people's spirits. **(108)** So we are told Lucius Crassus[239] and Lucius Philippus[240] both had great charm; still greater, if more practiced, was the charm of Gaius Caesar,[241] Lucius's son; but, living at the same time, Marcus Scaurus[242] and Marcus Drusus[243] as adolescents were both singularly grave, Gaius Laelius[244] cheerful, and his intimate Scipio[245] greatly ambitious and prone to melancholy. Moreover, among the Greeks, we are told that Socrates was pleasant and witty, lively in conversation, and a dissembler in all speech, which the Greeks call an ironic person; but, by contrast, that Pythagoras[246] and Pericles[247] achieved the highest authority without having the least cheerfulness. We hear Hannibal the Carthaginian[248] and, among our leaders, Quintus Maximus[249] were cunning, adept at concealment, reticent, dissemblers, insidious, and capable of forestalling enemy stratagems. In like manner, the Greeks prefer Themistocles and Jason of Pherae[250] to others, and especially the adroit and cunning deed of Solon,[251] who pretended insanity so as to make his own life more secure and his service to his commonwealth more beneficial.[252]

(109) There are others quite unlike these individuals, simple and forthright, who think that nothing ought to be done from hidden motives, nothing from treachery, supportive of the truth, hostile to fraud; and, likewise, still others who will endure anything and serve anyone, so long as their objectives are met, such as we saw with Sulla[253] and Marcus

Crassus.[254] In like manner, we are told the cleverest and most patient Lacedaemonian was Lysander;[255] while Callicratidas,[256] who commanded the fleet immediately after Lysander, was the opposite. Again, there are some in conversation who, no matter how powerful, affect to seem to be one among many, as we saw with Catulus, both father and son,[257] as well as Quintus Mucius.[258] I am told that in an earlier generation, Publius Scipio Nasica[259] had this same characteristic, but that his father,[260] who avenged the pernicious designs of Tiberius Gracchus,[261] was not the least bit genteel in conversation. And yet his father became great and famous despite this very characteristic. There are innumerable other dissimilarities of nature and customs, which nonetheless must not be condemned in the least.

(110) And so everyone must hold fast to those characteristics that, provided they are not vicious, nevertheless are peculiar to each of us; in so doing, the propriety we seek is more easily retained. For although we must act in such a way that we never fight against our general nature, nevertheless, while still observing it, we ought to follow our individual characteristics. And although these may not be as important or excellent, nevertheless, we should measure our pursuits by the standard of our individual nature; for it is futile to oppose nature or to pursue anything that you cannot obtain. Thus the sort of thing propriety is becomes still clearer, insofar as nothing is proper that is "against Minerva's will,"[262] as they say —that is, which is against and opposed to nature. **(111)** If anything is entirely proper, surely nothing is more so than equability, not only throughout our lives, but also in our individual actions—an equability that you cannot observe if, while imitating the nature of others, you disregard your own. For as in conversation we ought to use the language with which we were born, lest we are rightly ridiculed for forcing foreign words into our speech,[263] so, too, into our actions and into the whole of our lives, we ought not introduce any discordance.

(112) These differences of individual natures in fact have such force that sometimes one person ought to resolve to kill himself, while another in the same situation ought not. Was the former not the case for Marcus Cato,[264] the latter, for the others, who surrendered to Caesar[265] in Africa? And yet perhaps it would have appeared to be a vice to the others, had they killed

themselves, because their lives had been more appeasing and their customs more lax. But since nature had bestowed upon Cato an incredible resoluteness, which he himself had strengthened with ceaseless constancy, and he had always persevered in the counsel he proposed and supported, he had to die rather than look upon the face of a tyrant. **(113)** How many things did Ulysses endure during that long odyssey when he was both subject to women—if Circe and Calypso can be called "women"—and determined to be affable and pleasant to everyone in every conversation? In truth, even at home he bore the insults of slaves and maidservants, all so that at some point he might achieve what he desired! But such was Ajax's spirit, we are told, that he would have preferred to meet his death a thousand times over than endure those things. In contemplating such things, everyone ought to evaluate his own characteristics and moderate them, and not test whether others' characteristics might be proper for him; for what is most proper for each is what for each is most his own.

(114) Thus everyone ought to get to know his own character,[266] and show himself to be a severe judge of his own good and vicious traits, lest actors seem to have more prudence than we do. For they choose for themselves, not the best, but the most suitable plays: those who rely on their voice choose *Epigoni* and *Medus*; those on their gestures, *Melanippa* and *Clythemnestra*; Rupilius, I remember, always chose *Antiope*, while Aesopus rarely appeared in *Ajax*.[267] Now if it seems wise to an actor in the theater, will it not seem so to a man in his life?

Thus we will exert ourselves most on those things for which we are most fit. But if ever necessity should thrust us toward those things unbefitting our character, all care, contemplation, and diligence must be employed, so that, even if not properly, we can at least perform them as little improperly as possible. Nor must we so much pursue the good things we have not been given as avoid the vices that we have.

(115) In addition to the two roles I spoke of above, a third is to be added, which chance or circumstance imposes,[268] as well as a fourth, which we assume for ourselves according to our own judgment. For example, kingship, public offices, noble birth, honors, wealth, influence, and their opposites are governed by the dictates of chance and circumstance. But the

very sort of role we wish to assume proceeds from our own free will. And so some people apply themselves to philosophy, others to civil law, still others to eloquence, and even with respect to the virtues themselves, one person prefers to excel in one, another in another. **(116)** In truth, those whose fathers or ancestors exceled in some glorious activity often eagerly desire to excel in this same achievement, such as Quintus Mucius,[269] the son of Publius, in civil law, and Africanus,[270] the son of Paullus, in military affairs. Moreover, some people add something of their own to those achievements they inherited from their fathers, such as when the above Africanus heaped up eloquence on top of martial glory; or, likewise, Timotheus,[271] the son of Conon, who, although no less accomplished in warfare than his father, added to that achievement the glory of erudition and character. But now and then it happens that some people omit to imitate their ancestors and pursue a course of their own. This is very often the case for those who, born of obscure lineage, endeavor to set for themselves the achievement of great deeds.[272]

(117) Since we seek what is proper, we ought to consider and reflect upon[273] all these things; moreover, we must establish what sort of person we wish to be and what kind of life we wish to lead. This is the most difficult deliberation of all; for it is in adolescence, when good judgment is weakest, that each establishes the kind of life to lead with which he is especially enamored. And so we become entangled in some fixed type or course of life before we can judge which one is best. **(118)** Now Prodicus,[274] as related by Xenophon,[275] said that when Hercules first came of age, the time designated by nature for choosing on which path of life each will advance, he went out into the desert and there sat for a long time. He discerned two paths, one of pleasure, the other of virtue, and was much in doubt as to which path was the better one to take.[276] This was perhaps possible for Hercules, "sprung from the seed of Jove," but not for us, who imitate those who seem best to each of us, and are persuaded to adopt their pursuits and manner of life. Imbued with the precepts of our parents, more often than not we are led to adopt their habits and customs.[277] Some are carried away by the judgment of the multitude, and especially covet whatever seems most beautiful to the greater number. And yet some follow

the correct path, either by luck or by the goodness of their own nature, without any teaching from their parents.

(119) Still, the sort of person is rare who, distinguished either by sheer excellence of character or superb erudition and learning or both, even has the opportunity to deliberate on which course of life he would most like to pursue. But in such deliberation, all counsel must refer to the specific nature of each person. For not only in everything we do must we seek what is proper according to what and how each of us has been born, as I said above,[278] but in establishing the whole of our lives still greater care must be taken, so that we can be consistent throughout our lives, nor wanting in any appropriate action.

(120) Now with respect to this line of reasoning, since nature has the greatest force, followed by fortune, both must be thoroughly considered[279] when choosing a way of life, but nature more so; for nature is firmer and more constant, whereas fortune sometimes seems, as it were, itself mortal, struggling with immortal nature. Therefore, he who directs all his thought on how to live according to what sort of nature he has, provided it is not vicious, exhibits constancy. Such constancy is especially proper—unless by chance he comes to understand that he has erred in choosing a way of life. If this should happen, and it can indeed happen, there must be a change made in our customs and manners. If circumstances encourage this change, then we will do it all the more easily and advantageously; but if not, it must happen gradually and cautiously, in the same way wise people suppose it more proper to gradually dissolve those friendships that are less enjoyable and less commendable, than to suddenly end them.[280] **(121)** In sum, a change in our way of life must be handled with all due reason, so that we may seem to have done it with good judgment.

But since it was said shortly before that we must imitate our ancestors, first, there is the exception that their vices must not be imitated, and, second, if our nature does not permit for certain traits to be imitated. For example, because of infirm health, the son of the elder Africanus,[281] who adopted the son of Paullus, was less able to emulate[282] his father than the younger Africanus[283] was his. Therefore, if we can neither practice defense advocacy in court nor speak at popular assemblies nor wage war,

nevertheless, we ought to excel at those things that are within our power—justice, trustworthiness, liberality, discretion, temperance—so that less is demanded from us where we are more deficient. However, the best inheritance, handed down from fathers to their children—superior to any patrimony—is the glory of virtue and achievements; to disgrace[284] this must be judged unrighteous and vicious.

(122) Since the same actions are not appropriate for different ages, but some for youths, others for older people, something must be said about this distinction. Therefore, it befits an adolescent to revere his ancestors, and choose from them the best and most commendable, upon whose counsel and authority he should depend; for the prudence of older people must preside and rule over the ignorance of one coming to age. Moreover, it is especially important for one at this age to be protected from lusts, and honed by the labor and endurance of mind and body, so that he may be vigorously diligent in those actions appropriate to martial and civil affairs. And even when they should wish to relax their minds and give themselves over to enjoyment, they should beware intemperance and remember a sense of shame. This will be easier if from an early age they do not object to the presence of older people even in matters such as these. **(123)** On the other hand, for older people, while it seems that the labors of the body ought to diminish, the exercise of the mind actually ought to increase. In truth, they must endeavor to aid friends and the youth and, most of all, the commonwealth with their counsel and prudence. Further, nothing must be avoided in old age so much as allowing oneself to languish and waste away.[285] Extravagance at any age is truly disgraceful, but in old age it is most loathsome. But if the intemperance of lusts is also added, it is a double ill, because old age both draws disgrace[286] upon itself, and causes the intemperance of adolescents to become still more impudent.

(124) It is certainly not amiss to speak on actions appropriate to magistrates, private citizens, and foreigners.[287] Therefore, it is the particular duty of a magistrate to understand that he is the personification[288] of a political community, and ought to uphold its dignity and propriety, safeguard the laws, maintain right principles,[289] and remember that these things have been entrusted to his good faith. A private citizen, however, not

only ought to live on equitable and equal terms with his fellow citizens, as is right, neither submissively and abjectly nor conceitedly, but even to wish for those things that are tranquil and honorable in a commonwealth; for we are accustomed to think and say that such a person is a good citizen. **(125)** As to foreigners and resident aliens, the appropriate action is none other than to mind one's own business, in no way to examine another's affairs, and least of all to be inquisitive of a foreign commonwealth's doings.[290]

Thus most appropriate actions will be discovered when we seek what is proper and fitting with a view to the person, circumstance, and age. Still, there is nothing as proper as safeguarding constancy in every deed done or plan devised.

(126) Since propriety is discernible in all deeds, speech, and in the motion and posture of the body, it is inherent to three things: shapeliness, orderliness, and fitting preparation for action. These latter are difficult to articulate, but may be adequately understood. Moreover, in these three also resides the concern that we are approved of by those with whom and among whom we live. So a few words ought to be said about these things as well.

From the beginning nature herself seems to have taken our bodies into great consideration,[291] placing our form and the rest of our figure, the appearance of which is honorable, in plain sight; but those parts of the body that have been resigned to the necessities of nature, being considered ugly and even loathsome, she has covered and hidden.[292] **(127)** A human being's sense of shame has imitated this assiduous artifice of nature; for all sensible people remove from sight the things that nature has hidden, and care for these very necessities in such a way that they heed them as discreetly as possible.[293] The use of these parts of the body is necessary, but people call neither these parts, nor the use of them, by their own names. Further, to act upon such a necessity is not disgraceful, provided it is discreet;[294] but to speak of it is obscene.[295] And so neither open performance of these things nor such obscene speech is free from immodesty.

(128) In truth, we must not listen to the Cynics,[296] nor to the Stoics who were very nearly Cynics, who reproach and ridicule us because we consider there are things that are not disgraceful in substance, yet deplorable in speech; but those things that *are* disgraceful in substance, we call by their

proper names. Robbery, fraud, adultery, are disgraceful in substance, but to speak of them is not obscene; tending to the matter of begetting children is honorable in substance; nominally it is obscene. And yet many things are leveled against this sentiment by the above same people, contrary to a sense of shame. But let us follow nature and flee from everything that is abhorrent to the approval of our eyes and ears. Posture, gait, sitting, reclining, expression, eyes, the motions of our hands—let them all preserve propriety. **(129)** Two things especially must be avoided in these matters: on the one hand, anything effeminate or weak, and, on the other, anything overly harsh or uncouth. In truth, we must not grant to actors and orators that these things are fitting for them, but unrelated to us. Indeed, it is the custom of actors by long-standing training to have so considerable a sense of shame that no one may appear on stage without a loincloth; for they fear certain parts of the body might by chance become uncovered, the sight of them being improper. And it is our custom that adult sons do not bathe with their fathers, nor sons-in-law with their fathers-in-law. A sense of shame of this sort, then, must be retained, especially as nature herself is our teacher and guide.

(130) Moreover, as there are two kinds of beauty, one consisting of adornment,[297] the other, dignity, we ought to consider adornment womanly, dignity manly. Therefore, every ornament unworthy of a man ought to be removed from his person,[298] and he should take care lest a similar vice creep into his gestures and movements. For example, the movements performed at the gymnasium are often quite hateful, and some of the gestures of actors are hardly free of frivolity; in either case, those that are upright[299] and unaffected are praised. A dignified appearance includes the need to maintain a good complexion[300]—namely, that of a body that exercises. Additionally, a cleanliness must be practiced that is neither hateful nor excessively fastidious, but such as avoids a rustic and inhuman neglect. The same reasoning must govern clothing, in which, as in so very many things, an average standard is best. **(131)** Further, we must ensure that neither our pace is an effete saunter,[301] so as to seem similar to the tray bearers at processions; nor our haste is excessively hurried, so as to cause shortness of breath, changes in expression, or facial contortions—all of

which are a great indication of a lack of constancy.[302] But still more must we endeavor that the activity of our minds does not abandon nature. We shall achieve this, on the one hand, if we beware succumbing to perturbations and hysterics, and, on the other, if we have minds intent upon safeguarding propriety. **(132)** Indeed, the activity of our minds is twofold: one is reflection, the other is appetite. Reflection is especially concerned with the search for truth; appetite impels us to act. Therefore, we must take care to use reflection for the best possible ends, and make our appetites obedient to reason.

Seeing as there is great force in speech, and speech is itself twofold—one sort befitting argumentation, the other, conversation—argumentation ought to be assigned to the debates in the law courts, assemblies, and Senate, while conversation ought to occupy smaller circles, discussions, and intimate gatherings—even following banquets. There are precepts given by rhetoricians for argumentation, none for conversation, although I should not wonder if these exist as well. But while teachers may be found wherever there are those eager to learn, no one is eager to learn conversation, entire mobs instead crowding around every rhetorician. Still, since there are precepts for words and sentiments, the same ones will apply to conversation.

(133) Now since we consider the voice the medium of speech, we ought to strive for two further traits in our voice: that it is clear and that it is pleasant. Both must be wholly obtained from nature, but in truth the former will be strengthened by practice, the latter by the imitation of those who speak distinctly and smoothly. There was nothing about the Catuli[303] to make you think they used shrewd judgment in literature, although they were learned individuals; but then so were others. Still, these individuals are thought to have used the Latin language best. Their tone was sweet; their diction neither contrived nor muffled, thereby avoiding unintelligibility[304] or affectation; their delivery unlabored, neither languid nor droning. Yes, the speech of Lucius Crassus[305] was more copious and no less clever, but the reputation of the Catuli for speaking well is no less great.[306] In truth, Caesar,[307] the brother of the elder Catulus, so far surpassed everyone with his wit and bons mots that even in forensic speeches he overcame the

arguments of others with a conversational style.[308] Therefore, we must exert ourselves in all of these things, if we are to seek what is proper in everything.

(134) Thus conversation, in which the Socratics excel, ought to be calm, in no way obdurate, and inherently charming. In truth, we ought not to exclude others, as if the conversation was ours to possess, but, as in other things, so in open conversation we ought to think reciprocity equitable.[309] Additionally, we should reflect upon the subjects about which we speak: if about grave matters, employ gravity; if humorous, humor. Above all, we should prevent the conversation from revealing some inherent vice in our customs. This especially happens when we are eager to speak disparagingly and insultingly, whether in jest or in earnest, about those absent in order to denigrate them. **(135)** Moreover, for the most part conversations are held about domestic matters or about the commonwealth or about pursuits and learning in the arts. Therefore, even if our speech should begin to stray to other things, we must endeavor to return it to these topics, provided all in some way participate; for we do not all enjoy the same things, nor all the time, nor similarly. We must also observe to what extent the conversation is enjoyable, and, as there was a good reason to begin it, so ought there to be a due end to it. **(136)** And as in the whole of our lives we are quite correct to advise fleeing perturbations—that is, activity of the mind that is insufficiently obedient to reason—so, too, ought our conversation to be free from commotion of this sort, lest anger surface, or some longing or slovenliness or laziness or some other such thing manifest itself. Above all, we must take care that we seem to respect and esteem those with whom we converse.

It sometimes happens that rebukes become necessary, in which perhaps we must use greater intensity in our voice and harsher severity in our words—even acting in such a way that we seem to do these things out of anger. But as with cautery and surgery, so ought we to approach this sort of chastisement seldom and reluctantly, never except when necessary, and then only if no other remedy can be found. Nevertheless, let anger be kept at a distance, since in anger nothing can be done correctly, nothing sensibly. **(137)** Moreover, while for the most part we may use mild chastisement, nevertheless, it should be reinforced by gravity, so that severity may be

employed and insults avoided. And this very chastisement—for a rebuke is inherently harsh—also must be shown to have occurred for the sake of the one being rebuked. Further, even in those struggles that occur with our bitterest enemies, even if we should hear unworthy things said against us, nevertheless, it is correct to maintain gravity and suppress irascibility; for the things that occur owing to some perturbation can neither be done with constancy, nor be approved of by those present.

It is also unbecoming to praise oneself, especially falsely, and imitate the braggart soldier[310] to the derision of those listening.[311]

(138) Since we are investigating everything thoroughly, as is certainly my wish, we must also speak about what sort of house befits an honorable and preeminent human being. And so while the purpose of a house is use, and the building plans must be conducive to this end, nevertheless, due care must be shown for one's own advantage and dignity.[312] We hear that Gnaeus Octavius,[313] who was the first in his family to be made consul, was honored for having built a superb and very dignified house on the Palatine. When this house was seen by the vulgar multitude, it is thought to have won its master—a new man[314]—votes for the consulship. Scaurus[315] demolished it and built in its place an annex to his own house. And so the former was the first to bring the consulship into his house, while the latter, the son of a very great and famous man, brought into his enlarged house not only rejection, but even ignominy and disaster. **(139)** For dignity must adorn a house, not be sought wholly from it; nor must an owner be honored owing to his house, but a house owing to its owner. And as in other things, since we must not take ourselves solely into consideration,[316] so, too, must concern be shown for spaciousness in the house of an illustrious human being, in which both many guests must be received and a multitude of human beings of every sort be admitted. Otherwise, a grand house belongs to an improper owner if he lives alone, and, especially, if under a former owner it was accustomed to be visited frequently; for it is hateful when those passing by say:

An august house, alas,
Owned by so unequal an owner![317]

Indeed, this may be said of many houses in our time. **(140)** Moreover, caution must be taken, especially if you yourself are the builder, lest you exceed the due limits of expense and magnificence—the sort of thing that sets a very bad example. Most people eagerly imitate the deeds of preeminent people, especially in this regard. Take the example of Lucius Lucullus,[318] a very great man: who imitates his virtue? But my how they imitate the magnificence of his villas! A due limit most certainly must be set on such things and recall us to an average standard. And this same average standard must be extended to all the ways in which we use and cultivate our lives.

So much for these things. **(141)** In sum, every action undertaken must hold fast to three things: first, that appetite obey reason, for nothing more aptly safeguards the appropriateness of actions than that; second, that we pay attention to how important any given thing is that we wish to achieve, so that neither too much nor too little care and effort are spent than the case demands; and, third, that we ensure that those things that pertain to dignity and the appearance of liberality are moderated. Again, the best course is to preserve propriety itself, of which I spoke above, and proceed no further. Nevertheless, the most excellent of these three is appetite submitting to reason.

(142) Next we must speak on the proper order of things and on opportune times. Now the knowledge that comprises these things the Greeks call *eutaxia*—not in the sense in which my translation of it as "discretion" (*modestia*) could mean "due limit" (*modus*),[319] but *eutaxia* as it is understood to mean "the preservation of orderliness." And so "discretion" is defined by the Stoics, if we may take the word in the same sense, as "knowledge of the proper place of things done or said." Thus the meaning[320] of "orderliness" and "proper place" will seem to be the same; for they define orderliness as "the arrangement of things into their fitting and suitable places." They further call this place for action an "opportune time." Such an opportune time for acting is called in Greek *eukairia*, in Latin, "opportunity" (*occasio*). Thus it happens that discretion in this sense, which I said above is how we shall translate *eutaxia*, is knowledge of an opportune—that is, a suitable—time in which to act. **(143)** Yes, the same

definition may be given for prudence, of which I spoke in the beginning.[321] However, here we are searching into moderation and temperance and virtues similar to these. And so while those things that are characteristic of prudence have been discussed in their own place,[322] now such things must be discussed as pertain to those virtues of which I have long been speaking —namely, a sense of shame and the approbation of those with whom we live.

(144) Such orderliness, then, must be employed in our actions so that, as in a harmonious speech, so also in life, everything is fitted and harmonious to everything else. So it is disgraceful and quite vicious to begin a conversation worthy of a banquet, or something equally frivolous, at a serious affair. Bravo Pericles![323] For when he was jointly holding the praetorship[324] with the poet Sophocles,[325] they gathered together for a shared duty.[326] A shapely boy by chance passed by, and Sophocles remarked: "What a beautiful boy, Pericles!"

"Surely for a praetor, Sophocles," Pericles replied, "it is proper to refrain not only from touching, but even from looking."

And yet if Sophocles had said this same thing at an athletic trial, he would have been free of this just reproach—so great is the importance[327] of time and place. For example, if someone who was preparing a court case should turn it over in his mind on a walk or a stroll, or if he should be concentrating closely on something else, he would not be reproached; but if he should do this same thing at a banquet, he would seem inhuman, being ignorant of the time.

(145) But those things that are quite discordant with civilized humanity,[328] such as someone singing in the forum,[329] or some other such great perversity, are readily apparent and do not warrant special admonition and precepts. Still, we must carefully avoid those offenses that may seem small and unable to be perceived by many. For as however slightly discordant a lyre or flute might be, nevertheless, a knowing ear will usually notice it, so, too, must we ensure that there is not by chance something discordant in our lives; nay, we must harmonize them all the more as actions are greater and better than sounds. **(146)** And so as the ears of musicians perceive the slightest discord in lyres, so shall we, if we wish to be keen and careful

judges and observers of vices, often discern great things from small ones. From the gaze of the eyes or the relaxing or knitting of the eyebrows, from sorrow, levity, laughter, exclamation, silence, raising the voice, lowering it, and other similar things, we shall be able to judge which of them is fitting and which discordant with appropriate action and nature. Nor is it troublesome to judge from such indications in others what sort of thing each one of them is, so that if something should be improper, we ourselves may avoid it; for it somehow happens that we discern whether something is lacking more in others than in ourselves. And so the vices of a student are very easily corrected when teachers imitate them for the sake of improvement.

(147) It is truly not amiss when making a choice between things that cause doubt to consult learned human beings or even those of experience,[330] and seek out what exactly they consider so appropriate about each kind of action; for most of them are very often led to the conclusion that is deduced from nature herself. In so doing, we must discern not only what each one says, but also what each perceives and even why each perceives it. For as painters and sculptors[331] and in truth even poets each want their own work to be scrutinized by the vulgar multitude, so that if there should be something thought reprehensible by very many people, it may be corrected, and so ask[332] themselves and others what might be wrong with it,[333] so, too, must very many of our actions be done or not done or changed or corrected by us according to the judgment of others.

(148) In truth, those things that are done according to custom or civil institutions in no way need precepts given about them; for they are themselves precepts. Nor ought anyone to be led into the error of believing that if Socrates or Aristippus[334] did or said something contrary to custom and civic habit, the same thing is permissible for him.[335] Those individuals achieved that license owing to a great and divine goodness.[336] In truth, the entire reasoning of the Cynics[337] must be thrown out; for it is inimical to a sense of shame, without which nothing can be upright,[338] nothing honorable.

(149) Moreover, we ought to observe and cultivate affection for those whose lives evince honorable and great things, who hold sound perceptions

about the commonwealth, and have soundly merited or still merit, as it were, some honor or public office.[339] Further, we ought to defer to old age,[340] heed those who hold a magistracy, discern between citizen and foreigner,[341] and, in the case of a foreigner, as to whether he comes in a private or public capacity. Above all, so as not to go into particulars, we ought to cultivate, protect, and preserve the connection and union shared by the entire human race.[342]

(150) Now as to arts[343] and acquisitive activities—those considered liberal as well as sordid—we are generally told these things. First, those acquisitive activities are disapproved of that incur the hatred of other human beings, such as customs officers[344] and usurers.[345] Illiberal and sordid acquisitive activities also include all wage earners who are paid for their labor and not their art; for in their case that wage is recompense for slavery.[346] Merchants who purchase from still other merchants for immediate resale likewise ought to be thought sordid; for they could not make a profit unless they were excessively deceitful—and there is truly nothing more disgraceful than empty deception. All craftsmen are also engaged in a sordid art; for there is nothing liberal about a workshop.[347] Least of all ought those arts to be approved of that are handmaidens to pleasure, "fishmongers, butchers, cooks, poulterers, fishermen," as Terence says.[348] Add to this, if you approve, perfumers, dancers, and everything belonging to gambling.[349] **(151)** Now with respect to those arts in which there is inherently greater prudence or an above-average utility is sought—such as medicine, architecture, or knowledge of honorable things—these are honorable for those of a correspondingly befitting social order.[350] Mercantilism, if on a small scale, must be thought sordid; but if on a great and copious scale, conveying many things everywhere, and distributing them to many people without empty deception, such mercantilism must not be entirely condemned. And surely when the need for acquisition has been satisfied, or rather contented, it seems quite right to praise someone who has conveyed himself from that very port to fields and possessions, as he once did from sea to port. However, with respect to everything by which profit may be acquired, nothing is better, nothing ampler, nothing sweeter, nothing worthier of a free human being, than agriculture.[351] But since I

have said more than enough about this in my *Cato Maior*, you will find plenty there that pertains to this subject.[352]

(152) How appropriate actions are derived from these four parts of honorableness now seems to have been sufficiently explained. And yet it can often happen that there is a conflict and comparison between these same honorable things, such as whether between two honorable things one might be more honorable—a subject omitted by Panaetius. For although all honorableness emanates from four parts—one of which is inquiry, another community, a third magnanimity, a fourth moderation—it is often necessary to compare these things with each other when choosing an appropriate action.

(153) I approve, then, of the opinion[353] that those actions that are derived from community are much more appropriate to nature than those from inquiry.[354] This can be proven from the following argument: suppose such a life should befall a wise person that he has an overflowing abundance of everything, so that by himself and in the greatest leisure he may consider and contemplate everything that is worthy of inquiry. Nevertheless, if his solitude should be such that he never sees another human being, he would perish from this life.[355]

And yet preeminent among all the virtues is *wisdom*, which the Greeks call *sophia*; for by "prudence," which the Greeks call *phronesis*, we understand another sort of knowledge, of what must be pursued and what must be avoided. But *wisdom*, which I said is preeminent, is knowledge of things divine and human—knowledge that encompasses the community between the gods and human beings, as well as the association between them.[356] If wisdom is supreme—as it certainly is—it necessarily follows that appropriate action derived from a sense of community is also supreme. For surely the inquiry into and contemplation of nature is in some way defective and incomplete if no action should be consequent. And as such action is especially discerned in protecting those things that are advantageous to human beings, it therefore pertains to the association of the entire human race, and so must be preferred to inquiry.

(154) Indeed, the very best sort of person agrees with and exemplifies this very thing. For who so longs to perceive and inquire into the nature of

things that, if in the midst of studying and contemplating matters utmost worthy of inquiry, suddenly some danger or crisis should befall his fatherland to which he can bring assistance or aid, he would not abandon and discard all those things—even if he should think himself able to count the number of stars or measure the size of the world?[357] And he would do the same thing in the interest or danger of his parents or friends. **(155)** Consequently, it is understood that actions appropriate to justice must be preferred to those devoted to knowledge; for the former pertains to what is of utility to human beings, and nothing ought to be more venerated by a human being than that.

And yet these very individuals whose devotions and entire lives consist of inquiring into things nonetheless do not shrink from enlarging upon the utilities and advantages of other human beings. For they have also taught many people how to be better citizens or more useful to their own commonwealths, as Lysis the Pythagorean[358] taught Epaminondas the Theban;[359] Plato, Dion of Syracuse;[360] and many, still many others. I myself have been of some assistance to our commonwealth—if I have somehow been of assistance—by having entered public affairs prepared and equipped by such learned individuals and their instruction. **(156)** Nor merely in life and in person do they teach and instruct those eager to learn, but even in death they achieve the same thing with their monumental writings; for there is no subject omitted by them that pertains to the laws of a commonwealth, to its customs, to its education, so that they seem to have devoted their leisure to our activity. Thus in their devotion to learning and dedication to wisdom these very people above all offer their understanding and prudence for the utility of other human beings. And it is also why speaking copiously—albeit prudently—is better than the most penetrating reflection that lacks eloquence, because reflection turns in upon itself, while eloquence embraces those with whom we are joined in community.

(157) And so as swarms of bees do not gather together for the sake of making honeycomb, but being gregarious by nature, make honeycomb, so all the more do human beings, gregarious by nature, employ their ingenuity for the sake of action and reflection.[361] Thus unless that virtue that consists in protecting human beings—that is, the association of the entire human

race—should intersect inquiry, inquiry would seem solitary and barren; and, likewise, greatness of spirit removed from human community and unity would be feral and savage.[362] The result is that human association and community overcome devotion to inquiry.

(158) Nor is what is said by certain people[363] true, that as we cannot obtain and accomplish the things that nature requires without the help of others, consequently community and association began among human beings—owing to the necessities of life.[364] But if, they continue, everything was supplied to us that pertains to sustenance and cultivation,[365] as if by a divine wand, as they say, then everyone of the best character would apply himself entirely to inquiry and knowledge, forgoing all toil. It simply is not so. For such a person would both flee solitude and seek a companion for his pursuit, wishing now to teach, now to learn, now to listen, now to speak.[366] In sum, all appropriate action that affects unity among human beings and protects association must be preferred to appropriate action that encompasses inquiry and knowledge.

(159) But perhaps we must seek whether this sense of community, which is especially fitting for human nature,[367] must also be preferred to moderation and discretion? I do not approve of this; for there are some things so loathsome, others so flagrant, that a wise person would not do them even for the sake of safeguarding his fatherland. Posidonius[368] has enumerated a great many such examples, but some are so foul, so obscene, that even to speak of them seems disgraceful. Therefore, such things should not be undertaken on behalf of the commonwealth; nay, the commonwealth would not even wish them undertaken on its behalf. But the situation is advantageously such that a time cannot arise when it would behoove a wise person to do any one of them for the commonwealth.

(160) Thus we must consider it proven that in choosing between appropriate actions, the most eminently appropriate are those actions that preserve human association. For surely thoughtful action will follow from inquiry and prudence; hence thoughtful action is better than prudent reflection.

So much for these things. The subject has now been illuminated, and it should not be difficult for each person to see what he must prefer when

seeking an appropriate action. Moreover, there are degrees of actions appropriate to community itself; accordingly, we may understand what must take precedence over what. So it is appropriate to act[369] first on behalf of the immortal gods, second, one's fatherland, third, one's parents, and, next, the rest by degrees.[370]

(161) From this brief discussion, we perceive that human beings often are accustomed to doubt not only whether something is honorable or disgraceful, but even between two honorable courses, which is the more honorable. This subject was omitted by Panaetius, as I said above.[371]

But now let us continue on to what remains.

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[1] Marcus Tullius Cicero Minor (65–late 1st century BC) was Cicero's only son. During Gaius Julius Caesar's Civil War (49–45 BC), he joined the side of Gnaeus Pompeius Magnus along with his father, and, like his father, was pardoned by Caesar after Pompeius's defeat at Pharsalus in 48 BC. Marcus then traveled to Athens to study philosophy with the Peripatetic Cratippus. When Cicero was murdered by the Second Triumvirate in 43 BC, Marcus enlisted with Marcus Junius Brutus and Gaius Cassius Longinus. After their defeat at Philippi in 42 BC, Gaius Octavius, the later emperor Augustus, pardoned him. He would fight with Gaius Octavius against Marcus Antonius at Actium in 31 BC, and become consul in 30 BC. While Marcus cherished his father and his father's memory, he seems to have lacked Cicero's intellectual abilities—a fact Cicero hints at in 3.6.

[2] Cratippus of Pergamum (fl. 1st century BC) was the leading Peripatetic philosopher of his day. He began as a student of the Academic Antiochus of Ascalon, but abandoned both the school and the teacher in favor of the Peripatetics. Later, after being granted citizenship by Gaius Julius Caesar at Cicero's request, he took the name and tribe of Cicero ("Marcus Tullius").

[3] Cicero often switches from the first person singular ("I") to the "royal" first person plural ("we"). I have consistently translated all instances in which Cicero refers to himself in the first person singular.

[4] Latin: *hominibus nostris*. Literally: "our human beings." I have consistently translated all such instances as "our countrymen."

[5] See Cicero, *On Duties* 3.121. Hereafter all citations with book and section numbers but no title are from *On Duties*.

[6] The Latin is ambiguous and can mean equal in number or quality.

[7] Demetrius of Phalerum (ca. 350–ca. 280 BC) was an Athenian statesman, student of Theophrastus, and one of the first Peripatetics. He was appointed by Cassander, the ruler of Macedonian, as tyrant of Athens from 317 to 307 BC, when he was ousted by Demetrius Poliorcetes. Cicero praises him as an excellent example of a philosopher-king in *On the Laws* 3.14.

[8] Theophrastus (ca. 370–ca. 285 BC) was a Greek born in Lesbos, student of Aristotle, and Aristotle's successor at the Lyceum. The Peripatetic school thrived during his thirty-six-year tenure, during which time he published numerous books, only a small fraction of which survive.

[9] Plato (ca. 429–347 BC) was an Athenian philosopher and founder of the Academy. A student of Socrates, after Socrates was executed, he traveled to Egypt, Italy, and Sicily to study with the Pythagoreans. He would later write numerous philosophical dialogues on all manner of subjects. Plato's philosophical stature in antiquity and his influence on Cicero cannot be overemphasized.

[10] Demosthenes (384–322 BC) was an Athenian statesman and orator. He may have been a student of Plato and Aristotle, among other teachers. He is often considered the greatest orator of Greece, a sentiment shared by Cicero, who called him "the perfect orator." Many of his speeches survive. See Cicero, *Brutus* 35.

[11] Aristotle (384–322 BC) was an Athenian philosopher, student of Plato, and teacher of Alexander the Great. After Plato's death, he founded his own school, the Lyceum. While none of his published works have survived, chance has preserved his "lecture notes," which cover all manner of subjects. His students and followers were called "Peripatetics" after Aristotle's habit of lecturing while he walked about the colonnades of the Lyceum. Cicero calls Aristotle a philosopher second only to Plato in both genius and diligence. See Cicero, *Tusculan Disputations* 1.22.

[12] Isocrates (436–338 BC) was an Athenian orator. He is generally considered to be second only to Demosthenes. Twenty-one of his speeches have survived.

[13] The Latin is ambiguous and could mean authority as a parent, ex-consul, learned person, or, most likely, all three.

[14] See 3.5.

[15] Cicero is referring somewhat to the Stoics, but especially to the Epicureans. For a concise explanation of Epicureanism, see the glossary entry "Epicureans"; for a detailed discussion of the same, see the introductory and fourth sections of the interpretative essay.

[16] Latin: *bonorum et malorum finibus*. Literally: "the ends of good and bad things." I have avoided translating *malum* as "evil," instead translating it as either "bad" or "ill."

[17] Viz., the Epicureans. See 3.12, 3.18, 3.105, 3.116–120.

[18] Cicero discusses the ends of human nature in his *On the Ends of Good and Bad Things*, written in 45 BC, hereafter cited as *On Ends*. The work is comprised of three dialogues across five books: the first two books discuss the Epicurean understanding of the human race's natural end; the third and fourth, the Stoic; and the fifth, a Peripateticism infected by Stoicism.

[19] Viz., the Stoics. See 1.6, 2.10, 3.11, 3.20, 3.33, 3.35. See also Cicero, *Stoic Paradoxes*, Paradox 1.

[20] Viz., the Academics and Peripatetics. See 1.6, 3.11, 3.20, 3.33, 3.35. See also Aristotle, *Nichomachean Ethics* 1098b12ff.; Cicero, *Tusculan Disputations* 5.51.

[21] For a concise explanation of Stoicism, see the glossary entry "Stoics"; for a detailed discussion of the same, see the introductory and third sections of the interpretative essay.

[22] For a concise explanation of the Academy, see the glossary entry "Academics"; for a detailed discussion of the same, see the introductory and fifth sections of the interpretative essay.

[23] For a concise explanation of Peripateticism, see the glossary entry "Peripatetics."

[24] Aristo of Chios (fl. 3rd century BC) was a Stoic philosopher and contemporary of Zeno of Citium. He denied bodily pleasures or external needs to be goods or even "preferred" things. He maintained virtue to be the only good.

[25] Pyrrho of Elis (ca. 365–275 BC) was a Greek philosopher and inspiration for the school of Pyrrhonism, founded by Aenesidemus in the first century BC. He maintained the impossibility of knowledge.

[26] Erillus of Carthage (fl. 3rd century BC) was a Stoic philosopher and pupil of Zeno of Citium. Like Aristo of Chios, he denied bodily pleasures or external needs to be goods or even "preferred" things. He maintained knowledge to be the only good.

[27] Cicero declares his philosophical independence in all three books of *On Duties*. Readers are cautioned that he "chiefly follows" but does not "expound" the Stoics and Panaetius (see 1.6, 2.60, 3.7). Cicero himself was an Academic skeptic (see 2.7–8, 3.20, 3.33**)** and sent his son to study with a Peripatetic (see 1.1, 2.8, 3.20, 3.33). Following but not expounding Stoicism is in keeping with his intention to discuss ordinarily appropriate actions and imply entirely appropriate ones (see 1.7–8 and

3.14–16). The precepts of the Stoics and Panaetius are ordinarily appropriate, but not entirely so. Nonetheless, they are always more nobly discussed by them than by others (see 3.20).

[28] Panaetius of Rhodes (ca. 185–109 BC) was a Stoic philosopher, pupil of Diogenes of Babylon and Antipater of Tarsus, and later head of the Stoa. In physics, he abandoned the Stoic theory that the universe would end in conflagration. In ethics, he followed Aristotle in advocating a dual theory of virtue, the contemplative and the political. Panaetius's influence on Cicero, especially in *On Duties*, has been greatly overemphasized. We have only fragments of his work and that of all the early Stoics. The majority of our information on Stoicism comes from Cicero's own *On Ends* and *On the Nature of the Gods*. Attributing the substance of Cicero's thought to Panaetius is at best a fruitless endeavor and at worst indicative of an antiquated German *Quellenforschung*, or "source criticism." In each book of *On Duties*, Cicero cautions readers that his use of Stoicism in general and Panaetius in particular is qualified (see 1.6, 2.60, 3.7). When he does mention Panaetius, it is nearly always to criticize him (see 1.7, 1.10, 1.152, 1.161, 2.86, 2.88, 3.7ff., 3.33). And as Cicero reminds readers several times, he himself is not a Stoic, but an Academic skeptic (see 2.7–8, 3.20, 3.33).

[29] Latin: *quibus in omnes partes usus vitae conformari possit.* Literally: "by means of which the use —" or "the enjoyment of life can be shaped in all parts." Thus this second part of appropriate action is not divorced from utility.

[30] See 3.14–16. See also the glossary entry "appropriate action."

[31] Latin: *rectum*. Literally: "straight," "right," or "correct." Here Cicero uses *rectum* to paraphrase *perfectum*. See the glossary entries "correct" and "right."

[32] I follow Winterbottom in reading *meson* instead of *kathekon*. See also Dyck, *A Commentary on Cicero, De Officiis*, 78–80.

[33] See 1.101 and 3.14.

[34] Latin: *potentiam*. Literally: "power." While Latin makes a distinction between *potentia*, power in a general sense, and *potestas*, power legally conferred, Cicero uses both interchangeably throughout *On Duties*. Thus I have translated both simply as "power."

[35] Latin: *suos*. Literally: "their own," including one's own family, friends, clients, etc.

[36] See 3.7.

[37] Latin: *anquirat*. Literally: "to search into" or "to seek." Elsewhere *anquirere* has been consistently translated as "to examine." See the note under 3.56.

[38] Compare the following account of human nature at 1.11–14 with the one given in Cicero, *On Ends* 2.45–47.

[39] See 1.105 and 1.107.

[40] See 1.81. Thus the virtue of wisdom is introduced.

Compare 1.11 and 1.81 with Hobbes, *Leviathan*, chap. 6, where Hobbes defines curiosity in much the same way. The inclination and ability to discern the causes of things allows man to control for them; insofar as man can control for future events, he may be said to have power over them. However, the crucial difference between Hobbes and Cicero, classical and modern political philosophy, is whether man is by nature an individual or a social animal. If the former, he will use his power to further his own individual ends, thinking of the common good only insofar as it is convenient for him to do so; if the latter, he will use it, to the extent that he is social, on behalf of the common good for its own sake.

[41] See 1.50.

[42] Latin: *cultum et . . . victum*. Literally: "cultivation and sustenance." See the glossary entries "cultivation" and "sustenance."

[43] Thus the virtue of justice and its close companion, beneficence, is introduced.

[44] Latin: *quae cura exsuscitat etiam animos et maiores ad rem gerendam facit*. Literally: "This concern further kindles their *spirits* and makes them *greater* in the conduct of their affairs." Thus syntactically Cicero introduces the virtue of magnanimity. See also the end of 1.13.

[45] See 1.105.

[46] See 2.6.

[47] Thus the final virtue of propriety is introduced.

[48] See Plato, *Phaedrus* 250d.

[49] Latin: *suis*. See the note under 1.9.

[50] I have consistently translated all instances of the impersonal passive periphrastic ("one must") and the impersonal future passive participle ("one ought") in the first personal plural ("we must" or "we ought"). Such a translation is consistent with the tone and intended audience of the treatise. See 2.45.

[51] Gaius Sulpicius Galus (fl. 2nd century BC) was a Roman orator, general, and statesman. He became praetor in 169 BC and consul in 166 BC. While serving under Lucius Aemilius Paullus Macedonicus in the Third Macedonian War, he won great fame by predicting a lunar eclipse the night before the battle of Pydna in 168 BC.

[52] Sextus Pompeius (late 2nd–early 1st century BC) was the uncle of the more famous Gnaeus Pompeius Magnus. Cicero remarks that he was accomplished in geometry, law, and Stoic philosophy, but took no part in political life. See Cicero, *Brutus* 175.

[53] Latin: *iure civili*. Literally: "what is right according to a [given] political community." I have consistently translated *ius civile* as "civil law." See the glossary entry "right."

[54] Latin: *contra officium*. I have consistently translated this as "inappropriate action."

[55] Latin: *vitae . . . communitas*. Literally: "a community of life." See the glossary entry "community."

[56] I have collectively labeled Cicero's second unnamed virtue "justice." See the glossary entry "justice."

[57] Latin: *deinde ut communibus pro communibus utatur, privatis ut suis*. Literally: "next, that one should use communal things on behalf of communal interests, private things [on behalf of] one's own interests." Note that the word Cicero uses for private property, *privatus*, comes from the verb *privare*, which means "to rob." This is interesting when considering what Cicero says next about the origins of private property.

[58] Compare this statement with the one made in Cicero, *On the Commonwealth* 1.27: "He alone is truly permitted to claim everything as his own, not by right of the Quirites [Roman people] but of the wise, not by civil obligation but by the common law of nature, which forbids anything to belong to anyone except to him who knows how to handle and use it."

[59] See Plato, *Ninth Letter* 358a.

[60] See Cicero, *On the Laws* 1.25; *On Ends* 3.67; and *On the Nature of the Gods* 2.37 and 2.154ff., for just such Stoic arguments. See also *On the Nature of the Gods* 3.66–93 for their refutation.

[61] Latin: *communes utilitates in medium adferre*. Literally: "bring common utilities in the middle," and so "make common utilities commonly available."

[62] Latin: *fundamentum*. Literally: "fundamental." I have avoided translating *fundamentum* as "foundational" because Cicero consistently uses the word in the context of something being "fundamental to" justice, rather than the "foundation of" justice. See 1.31 and 1.42.

[63] Latin: *usus vitae necessarios*. Literally: "the necessary uses of life."

[64] Marcus Licinius Crassus Dives (ca. 115–53 BC) was a Roman general and statesman. He spent his early career serving under Lucius Cornelius Sulla Felix in the war against Gaius Marius (88–87 BC), and later suppressed the slave revolt led by Spartacus (73–71 BC). He is best known for his prodigious wealth and membership in the First Triumvirate, along with Gaius Julius Caesar and

Gnaeus Pompeius Magnus. He was killed in the battle of Carrhae in 53 BC in a failed campaign that he initiated against the Parthian Empire.

[65] Quintus Ennius (ca. 239–169 BC) was a Roman poet. His impact on Latin literature was significant, although only fragments of his works survive. Cicero quotes from him often.

[66] A verse from an unknown play of Ennius. Some conjecture it is from the *Thyestes*. See Dyck, *A Commentary on Cicero, De officiis*, 120.

[67] Gaius Julius Caesar (100–44 BC) was a Roman historian, general, and statesman. Caesar first gained attention by defying Lucius Cornelius Sulla Felix's order to divorce his wife, the daughter of Sulla's enemy, Lucius Cornelius Cinna. After Sulla's death, Caesar moved up the *cursus honorum*, or "path of honors," which made up a Roman citizen's political career, ultimately becoming consul in 59 BC. To aid him in his endeavors, he created the First Triumvirate, a powerful alliance comprised of himself, Gnaeus Pompeius Magnus, and Marcus Licinius Crassus Dives. After his consulship, Caesar became governor of Cisalpine Gaul and Illyrium. He then initiated a long series of wars against the Gauls (58–50 BC), which he wrote about in his *Commentaries on the Gallic War*. When the Senate, led by Marcus Porcius Cato Uticensis, demanded he lay down his arms and return to Rome to face prosecution, Caesar famously crossed the Rubicon River, the boundary between his legal province of Cisalpine Gaul and Italy. In so doing, he initiated the Civil War (49–45 BC) against his former ally Gnaeus Pompeius Magnus and old enemy Marcus Porcius Cato Uticensis. This he also wrote about in his *Commentaries on the Civil War*. Success in the Civil War left him master of Rome. Honors and awards were lavished upon him by a cowed Senate, eventually leading to his appointment as dictator for life. This was too much to bear for many of the senators, who plotted and perpetrated his assassination on the Ides of March in 44 BC.

[68] Latin: *iura*. See the glossary entry "right."

[69] Latin: *ingeniis*. Literally: "innate nature." *Ingenium* pertains to a person's natural "disposition" or "inclinations," as well as "abilities." I have consistently translated it as "character" so as to fully if imperfectly retain its meaning.

[70] Latin: *ad tempus*. Literally: "at the time" or "circumstantial."

[71] See Plato, *Theaetetus* 173d–e; *Republic* 520a6ff.

[72] Latin: *vitae societatem*. Literally: "the association of life." The literal meaning must here be substituted for the conceptual meaning in order to make sense in English.

[73] Publius Terentius Afer (ca. 190–159 BC) was a Roman poet. All six of his plays survive.

[74] See Terence, *The Self-Tormentor* 77.

[75] See 3.95.

[76] See 1.23.

[77] See 3.18–19, 3.32, 3.92–95.

[78] See 3.94–95.

[79] Latin: *scribitur*. Literally: "it is written." I have chosen the literal translation "it is written" for the single reason that when a philosopher discusses myths, fables, or any authoritative opinion, it is always better to consider exactly how that myth, fable, or opinion is reported. The same applies for Cicero's many uses of the verb *videri*, "to seem."

[80] See 3.94. See also Euripides, *Hippolytus* 887ff. However, in Euripides's account, it was the first wish.

[81] Latin: *contra officium est*. Literally: "it is an inappropriate action."

[82] Latin: *non sit contra officium*. Literally: "it is not an inappropriate action."

[83] Latin: *officio*. Literally: "from appropriate action."

[84] See 3.92. Compare also this prudent statement with the honorable ones made at 1.39 and 3.99ff.

[85] Latin: *liberantur*. Literally: "freed."

[86] See 1.63, 2.10, 3.71, 3.113.

[87] See Terence, *The Self-Tormenter* 796.

[88] See Herodotus, *Histories* 6.78–79; and Plutarch, *Sayings of the Spartans,* 223a.

[89] Quintus Fabius Labeo (fl. 2nd century BC) was a Roman statesman. He was consul in 183 BC.

[90] Latin: *iura belli*. Literally: "the right principles of warfare" or "the principles of what is right in warfare." I have consistently translated both *iura belli* and *ius bellicum* as "the laws of warfare."

[91] See Machiavelli, *The Prince*, chap. 18, where Machiavelli quotes this famous line, but twists its meaning to suit his new political teaching emphasizing the primacy of utility: "Thus, you must know that there are two kinds of combat: one with laws, the other with force. The first is proper to man, the second to beasts; but because the first is often not enough, one must have recourse to the second. Therefore it is necessary for a prince to know well how to use the beast and the man." Translation from Machiavelli, *The Prince*, trans. Harvey Mansfield (Chicago, 1998).

[92] See Plato, *Laws* 628d; Aristotle, *Nicomachean Ethics* 1177b; *Politics* 1333a36ff.

[93] Latin: *in civitatem etiam acceperunt*. Literally: "even welcomed into [our] political community."

[94] Tusculum received full citizenship privileges around 381 BC. The other cities Cicero mentions were initially denied voting privileges, but some were later granted full citizenship.

[95] Carthage was a powerful maritime city located in what is today northern Tunisia. Rome fought three bloody wars with Carthage: the First Punic War (264–241 BC), the Second Punic War (218–201 BC), and the Third Punic War (149–146 BC). These wars were fought over hegemony in the Mediterranean world. The First Punic War was largely a naval affair, although land battles were fought in Sicily and Africa. Carthage's defeat left Rome in control of Sicily, Sardinia, and Corsica. These latter two territories were seized by Rome after the war had ended and while Carthage was occupied with another war. This seizure, along with the large war indemnities imposed on Carthage, led to the Second Punic War. The famous Carthaginian general Hannibal Barca (247–ca. 182 BC) invaded Italy by way of the Alps, crushed Roman army after Roman army, and occupied Italy for fifteen years. His greatest victory was the battle of Cannae in 216 BC, in which he defeated eight Roman legions. He was eventually defeated when Publius Cornelius Scipio Africanus Major invaded Africa, forcing the Carthaginian senate to recall Hannibal to protect the city. He was decisively defeated at the battle of Zama in 202 BC, leaving Rome the undisputed master of the Mediterranean. Hannibal's invasion of Italy and his near destruction of Rome never left the Roman imagination. Urged on by Marcus Porcius Cato the Elder, Rome initiated the Third Punic War against the exhausted city of Carthage, leading to the latter's all but annihilation in 146 BC.

[96] Numantia was a Celtiberian city located near what is today Soria, Spain. It was instrumental in the final phases of the Celtiberian Wars (181–133 BC) between the Roman Republic and the Celtiberian tribes of Spain. These bloody wars were finally concluded by Publius Cornelius Scipio Africanus Aemilianus in 133 BC with the destruction of Numantia.

[97] Ancient Corinth (as opposed to modern Corinth) was a Greek city located on the Isthmus of Corinth. Corinth was destroyed in the final phases of the Achaean War in 146 BC between the Roman Republic and the Greek Achaean League.

[98] Cicero advised against a war with Gaius Julius Caesar, believing that a peace made with Caesar might preserve some semblance of the commonwealth. See Cicero, *Letters to Friends* 6.1.6.

[99] This passage may be a barbed criticism of Gaius Julius Caesar's response to the Aduatucians: "Caesar replied [to their appeal] that he would spare their political community, owing more to his habit than their merit, if they surrendered before the battering ram touched the wall." See Caesar, *Commentaries on the Gallic War* 2.32. See also Dyck, *A Commentary on Cicero, De officiis*, 141.

[100] Latin: *fetiali iure*. Literally: "by fetial right." I have consistently translated *ius fetialis* as "fetial law." Fetial law was observed by the fetial priests of Jupiter, the patron god of trustworthiness. They advised the Senate on matters of treaties, declarations of war and peace, and diplomacy.

[101] The rest of 1.36 is almost certainly an interpolation. The juxtaposition of the two accounts of Cato's son, neither of which takes into consideration the other, combined with the awkward Latin, has led scholars to reject this passage. See Dyck, *A Commentary on Cicero, De Officiis*, 143–44. The passage in question runs as follows: "The general Popilius was governing a province in whose army Cato's son was serving as a recent recruit. Later, it seemed best to Popilius to disband one legion, and so, too, the son, who was serving in it. But out of love for fighting in the army, the son stayed. Cato then wrote to Popilius that if he should permit him to remain in the army, he should bind him with a second oath of military service, since he had previously been dismissed and could not by right fight the enemy. Such was the strict observance in waging wars."

[102] Marcus Porcius Cato (234–149 BC), also called Cato the Elder or Cato the Censor, was a Roman statesman. Cato was chiefly known for his inflexibility regarding matters of morals as well as the matter of Carthage. The former led him to be instrumental in Rome's hostility to Greek culture; the latter, in the eventual destruction of Carthage by Rome in the Third Punic War.

[103] Perseus of Macedonia (ca. 212–165 BC) was the last king of the Antigonid dynasty, which ruled Macedonia after the death of Alexander the Great. His aggressive conduct toward the neighboring Greek cities, many of whom were Rome's allies, led to the Third Macedonian War (171–168 BC), culminating in his defeat at the battle of Pydna in 168 BC.

[104] *Leges Duodecim Tabularum*, or the *Laws of the Twelve Tables* were the core laws comprising the constitution of the Roman Republic. See Varro, *On the Latin Language* 5.3 for the same linguistic point Cicero makes.

[105] See *Laws of the Twelve Tables* 2.2.

[106] See *Laws of the Twelve Tables* 6.4.

[107] For the Celtiberian Wars, see the note under 1.35.

[108] The Cimbrian War (113–101 BC) began when the Germanic tribes of the Cimbri and Teutons invaded Roman territory and threatened to invade Italy. The situation soon became dire when they massacred the Roman legions sent out against them at the battle of Arausio in 105 BC. It did not improve until Gaius Marius took command, reformed the legions, and led Rome to eventual victory.

[109] See 1.81.

[110] The wars against Rome's Italian neighbors, the Latins and Sabines (6th–4th centuries BC) and Samnites (343–290 BC), were fought for control of Italy.

[111] For Carthage and the three Punic Wars, see the note under 1.35.

[112] See 3.87. Pyrrhus (ca. 319–272 BC) was the king of Epirus. He initiated a war against Rome at the behest of the city of Tarentum. Although Pyrrhus won several victories against the Roman legions, his casualities were so high and Roman determination so resolute that he famous quipped: "If we are victorious in one more battle with the Romans, we will be utterly ruined." He was decisively defeated at the battle of Beneventum in 275 BC.

[113] For Hannibal Barca, see the note under 1.35.

[114] See Machiavelli, *The Prince*, chap. 18, for the exact opposite precept on promises. However, compare both Machiavelli's useful precept in chap. 18 and Cicero's honorable precepts at 1.39 and 3.99ff. with Cicero's prudent caveats about circumstance at 1.32–33, 3.18–19, 3.32, 3.92–95.

[115] Marcus Atilius Regulus (fl. 3rd century BC) was a Roman general and statesman. He was consul in 267 and 256 BC. During the First Punic War he defeated the Carthaginians in a large naval battle near Cape Ecnomus in 256 BC. He then unsuccessfully attempted to invade Africa and was defeated

and captured at the battle of Tunis in 255 BC. Cicero describes the famous story of his civic valor again at 3.99ff.

[116] Latin: *iure iurando*. Literally: "swearing by what is right." I have consistently translated this phrase as "sworn oath."

[117] Although some scholars believe 1.40 an interpolation, I think there is good reason to include it. First, one finds no awkwardness in the Latin, such as at 1.36. Second, along with the story of Regulus at 1.39, Cicero returns to these same three stories at 3.86–87, 3.99ff., and 3.113–115. See Dyck, *A Commentary on Cicero, De officiis*, 150–53.

[118] Gaius Fabricius Luscinus (late 4th–early 3rd century BC) was a Roman general and statesman. He was consul in 282 and 278 BC, censor in 275 BC, and celebrated two triumphs. Stories of him emphasize his poverty, austerity, and incorruptibility.

[119] Aristotle, *Economics* 1344.

[120] See Machiavelli, *The Prince*, chap. 18, where Machiavelli adopts Cicero's analogy, but praises the use of force and especially fraud.

[121] See Machiavelli, *The Prince*, chap. 18, where Machiavelli prescribes the importance of merely seeming to be a good man: "A prince . . . cannot observe all those things for which men are held good, since he is often under a necessity to maintain his state, of acting against faith, against charity, against humanity, against religion. . . . A prince should thus take great care that nothing escape his mouth that is not full of the above-mentioned five qualities and that, to see him and hear him, he should appear all mercy, all faith, all honesty, all humanity, all religion. And nothing is more necessary to appear to have than this last quality. Men in general judge more by their eyes than by their hands, because seeing is given to everyone, few touch what you are; and these few dare not oppose the opinion of many, who have the majesty of the state to defend them; and in the actions of all men, and especially of princes, where there is no court to appeal to, one looks to the end. So let a prince win and maintain his state: the means will always be judged honorable, and will be praised by everyone." Machiavelli, *The Prince*, trans. Mansfield.

[122] Compare Cicero's three precepts on beneficence with Aristotle, *Nicomachean Ethics* 1119b20–1122a17.

[123] See 2.54. See also Machiavelli, *The Prince*, chap. 16, for the exact opposite precept on liberality.

[124] Lucius Cornelius Sulla Felix (ca. 138–78 BC) was a Roman general and statesman. If Gaius Julius Caesar completely overturned the Republic, Sulla laid the foundation for its overthrow. After a long series of military successes, Sulla notoriously marched his legions on Rome twice—something no Roman general or army had ever done—ostensibly to combat his political enemies. His second march on Rome culminated in a series of proscriptions, or legally sanctioned murders and confiscations of property, of many of Rome's leading citizens. In authorizing the proscriptions, Sulla followed in the footsteps of Gaius Marius and Lucius Cornelius Cinna before him. With the proscriptions concluded, Sulla next turned his attention to constitutional reforms, and, with their completion, to everyone's surprise, laid down his power in 80 BC, living out the remainder of his life in retirement, until his death in 78 BC.

[125] Latin: *mores*. For an explanation of this important word, see the glossary entry "custom."

[126] See 2.69.

[127] Hesiod (fl. 8th century BC) was a Greek poet. His best-known poems are the *Theogony* and *Works and Days*.

[128] See Hesiod, *Works and Days* 349–51.

[129] Latin: *officia conferre*. Literally: "bestow appropriate actions upon."

[130] Latin: *coniunctissimus*. Literally: "most united."

[131] Latin: *Sed quae naturae principia sint communitatis et societatis humanae, repetendum videtur altius*. Literally: "But it seems we must revisit more profoundly those things which are the beginnings of the nature of community and human association."

[132] See 1.12.

[133] See Plato, *Laws* 963e.

[134] Latin: *bonitatem*. Literally: "goodness." Here goodness pertains to a human being's character, and thus implies "integrity.

[135] Latin: *legibus*. Literally: "the laws."

[136] See Plato, *Phaedrus* 279c; *Republic* 424a; *Laws* 739c; Aristotle, *Nicomachean Ethics* 1159b; *Politics* 1263a.

[137] A verse from an unknown play of Ennius.

[138] Latin: *copiae*. Literally: "abundance." *Copia* refers to a plentiful supply or abundance of something, and in the plural especially an abundance of resources. I have translated it here as "resources" to better clarify the conceptual meaning.

[139] Latin: *in nostros*. See the note under 1.9.

[140] *Societatis propinquorum*. Literally: "of [one's own] association of relatives."

[141] See 3.69. See also Cicero, *On Friendship* 19: "For it seems clear to me that we were so born that there is a certain association between all of us, but one that becomes greater the closer one person comes to another. And so fellow citizens are preferred to foreigners, relatives to strangers; for with them nature herself engenders friendship, albeit a friendship that is somewhat unreliable."

[142] See 1.11.

[143] Latin: *coniugio*. Literally: "a coming together." As *coniugium* means "a coming together," it can also mean a "union" as well as a "marriage." Thus Cicero identifies the primary function of the first natural union, that between man and woman, as the procreation of children.

[144] The subject is still *conjugio*, "wedlock," and so the implied subject is "familial association."

[145] See Aristotle, *Politics* 1252a–b.

[146] Pythagoras of Samos (570–ca. 500 BC) was a Greek mathematician and philosopher. He founded a religious-philosophical sect known as Pythagoreanism in Croton, a Greek colony in southern Italy. His influence on later philosophers, especially Plato, was great. He left no writings.

[147] Latin: *animo*. Literally: "mind." The sense here is "presence of mind" and thus "mindfulness."

[148] Cicero alludes to earlier men such as Lucius Cornelius Sulla Felix and Gaius Julius Caesar. Those "currently" engaged in Rome's ruin are almost certainly Marcus Antonius and his followers.

Marcus Antonius (ca. 83–30 BC) was a Roman general and statesman. His career was launched as a military aide and friend of Gaius Julius Caesar, whom he served during Caesar's Gallic and Civil Wars. Upon Caesar's death, along with Caesar's adopted son, Gaius Octavius, the later emperor Augustus, Antonius inherited Caesar's legacy and power. As Antonius's conduct became increasingly barbaric, he clashed with Cicero, who railed against him in his *Philippics*. These speeches and Cicero's active antagonism so infuriated Antonius that he would later insist on Cicero's proscription, or legally sanctioned murder, as a condition for his joining the Second Triumvirate. Antonius later clashed with Octavius for control of the commonwealth, was defeated at the battle of Actium in 31 BC, and soon afterward committed suicide.

[149] Latin: *principes*. Literally: "preeminent."

[150] Latin: *victus*. See the note under 1.12.

[151] Latin: *necessitudinum*. Literally: "necessities," here with the implied meaning of "close connections," i.e., the relationships between one person and another. Thus I have translated it as "rapport."

[152] Here there is a likely interpolation, generally thought to be so owing to its awkward place. See Dyck, *A Commentary on Cicero, De officiis*, 181. The phrase in question: "a habit and practice that ought to be adopted."

[153] The words "of virtue" are contextually implied.

[154] Both verses are from unknown poets.

[155] Marathon (490 BC), Salamis (480 BC), Plataea (479 BC), Thermopylae (480 BC), and Leuctra (371 BC) were all famous Greek battles. Marathon occurred during the first Persian invasion; Salamis, Plataea, and Thermopylae during the Persian Wars; and Leuctra when Thebes prevailed over Sparta.

[156] Cocles, the Decii, Gnaeus and Publius Scipio, and Marcus Marcellus were all famous Roman statesmen and generals. Publius Horatius Cocles (fl. 6th century) famously defended the Pons Sublicius single-handedly during the war between Rome and Clusium. The Decii were exemplars of martial valor. Gnaeus Cornelius Scipio Calvus and Publius Cornelius Scipio (consul in 222 BC), the father and uncle of Publius Cornelius Scipio Africanus, were killed in Spain in 211 BC during the Second Punic War. Marcus Claudius Marcellus (268–208 BC) was five times consul and recipient of the *spolia opima*, Rome's highest military decoration, only given to those who had killed an enemy general in single combat. Marcellus would later further distinguish himself during the Second Punic War.

[157] The first half of the remark is from Plato, *Menexenus* 246c; the second, *Laches* 197b. See 1.33, 2.10, 3.71, 3.113.

[158] See Plato, *Laches* 182e. See also Aristotle, *Politics* 1271a3–1271b11.

[159] See Caesar, *Commentaries on the Civil War* 1.4.4, where Caesar says he could not bear an equal.

[160] See Aristotle, *Politics* 1266b38–1267a3 and 1267a38–44.

[161] Latin: *statu naturae*. Literally: "the state—" or "the condition of nature." See the glossary entry "nature."

[162] See 2.2–4.

[163] A remark directed especially at Epicureans such as Cicero's lifelong friend Titus Pomponius Atticus. It may also allude to the Epicurean philosopher Titus Lucretius Carus. See Lucretius, *On the Nature of Things* 2.1ff.

[164] Latin: *urbanas*. Literally: "belonging to a city." *Urbanus* means "belonging to a city," and so implies all that is indicative of city life. I have translated it as "urbane."

[165] See Cicero, *Pro Murena* 19–30, where Cicero advances the popular opinion in favor of martial affairs in order to secure the acquittal of Lucius Licinius Murena. Murena's acquittal was essential to the successful resolution of the Catilinarian conspiracy (see 48–53).

[166] E.g., Gaius Julius Caesar with the Gallic Wars.

[167] Themistocles (ca. 528–462 BC) was an Athenian general and statesman. He is largely considered responsible for the beginnings of the Athenian empire when he convinced the Athenians to devote the proceeds from their newly discovered silver mines at Laurium to the construction of a large naval fleet in 483 BC. When the Persians under Xerxes invaded Greece in 480 BC, Themistocles next persuaded the Athenians to abandon Athens and continue the fight from their ships. This policy was successful and ultimately led to the decisive victory over the Persians at the naval battle of Salamis that same year. However, the Athenians were less than grateful, and Themistocles's enemies managed to ostracize him around 472 BC. He fled to Persia, the very nation he had been instrumental in defeating, to live out the remainder of his life.

[168] Solon (ca. 630–ca. 560 BC) was an Athenian poet and statesman. He is considered to be the founder of the Athenian democracy. After becoming chief archon in 594 BC, he resolved serious economic and political turmoil by instituting constitutional, economic, and moral reforms. One of his

reforms was the reconstitution of the Areopagus, or council of elders, along more democratic lines. Having completed his reforms, he left Athens to travel for ten years.

169 Pausanias (ca. late 6th century–470 BC) was a Spartan general. He successfully commanded the combined Greek land forces against the Persians in the Persian Wars, which culminated in the Greek victory at the battle of Plataea in 479 BC.

170 Lysander (ca. late 5th century–395 BC) was a Spartan general. He commanded the Spartan fleet toward the end of the Peloponnesian War, defeating the Athenians at the naval battle of Aegospotami in 405 BC, effectively winning the war. He was later responsible for the establishment of the Thirty Tyrants, the oligarchy that temporarily replaced the Athenian democracy.

171 Lycurgus (fl. 7th century BC) was the legendary lawgiver and founder of the Spartan constitution.

172 Marcus Aemilius Scaurus (ca. 163–ca. 89 BC) was a Roman statesman. He was consul in 115 BC and censor in 109 BC. He consistently sided with the *optimates* in the Senate. The historian Sallust paints a less-than-flattering picture of his character. See Sallust, *The Jugurthine War* 15.

173 Gaius Marius (ca. 157–86 BC) was a Roman general and statesman. Marius was born in Cicero's hometown of Arpinum and was related by marriage to Cicero's grandmother. He became consul seven times and was largely responsible for the transformation of the Roman legions into a professional army. With this army, he defeated the crisis posed by the invasion of the Cimbri and Teutons in the late second century BC. Toward the end of his life, aided by Lucius Cornelius Cinna, he clashed with Lucius Cornelius Sulla Felix, causing a civil war. However, before the war could be resolved, he died in 86 BC.

174 Quintus Lutatius Catulus Capitolinus (ca. 120–ca. 61 BC) was a Roman statesman and the son of Quintus Lutantius Catulus. Continuing his father's policies of opposing Gaius Marius, he supported Lucius Cornelius Sulla Felix, and was rewarded with the consulship in 78 BC. When his colleague for the consular year, Marcus Aemilius Lepidus, proposed overthrowing the constitution in favor of more populist measures, Catulus, aided by Gnaeus Pompeius Magnus, opposed and defeated him. Thereafter, he consistently opposed Gaius Julius Caesar in favor of Gnaeus Pompeius Magnus. These and other policies led him to be regarded as one of the leaders of the *optimates*.

175 Gnaeus Pompeius Magnus (106–48 BC), often called Pompey the Great, was a Roman general and statesman. Pompeius gained immediate and immense prestige after successfully serving Lucius Cornelius Sulla Felix as a self-proclaimed general during the latter's campaign against the Marian regime in Rome, followed by successful campaigns against Marians and *populares* in Sicily, Africa, and Spain. These victories earned him two triumphs and the consulship of 70 BC. He followed these accomplishments with impressive campaigns against the pirates across the Mediterranean Sea and against Mithridates VI of Pontus in the Third Mithridatic War (73–63 BC). The latter victory earned him a third triumph. As capable as Pompeius was as a general, he was a poor statesman. Unable to court the *optimates* in the Senate, he failed to secure settlements and rewards for his veteran soldiers. This led him to support Gaius Julius Caesar's bid for the consulship in 59 BC and form the First Triumvirate with Caesar and Marcus Licinius Crassus Dives, a conspiracy that effectively dominated Roman politics. When Crassus died in 54 BC, relations between Caesar and Pompeius broke down. And when Caesar crossed the Rubicon in 49 BC, thus initiating a civil war against the *optimates* in the Senate, Pompeius sided against him. He was defeated by Caesar at the battle of Pharsalus in 48 BC and assassinated while attempting to flee to Egypt.

176 Publius Cornelius Scipio Africanus Aemilianus (185–129 BC) was a Roman general and statesman, the natural son of Lucius Aemilius Paullus Macedonicus, and adopted son of Publius Cornelius Scipio Africanus Major. Elected consul in 147 BC, he commanded the forces of the Roman Republic that finally destroyed Carthage in 146 BC in the Third Punic War (149–146 BC). He was a close friend of the Greek historian Polybius and Greek philosopher Panaetius. While not necessarily an *optimas*, Scipio opposed the policies of the Gracchi; this stance may have cost him his life, as he

was found dead in his bed in 129 BC, shortly before he was to deliver a speech against agrarian reform. Cicero later made him the principal speaker in his *On the Commonwealth*.

177 For Numantia and the Celtiberian Wars, see the note under 1.35.

178 Publius Cornelius Scipio Nasica Serapio (fl. 2nd century BC) was a Roman statesman. He was the grandson of Publius Cornelius Scipio Africanus Major and the father of Publius Cornelius Scipio Nasica. He held the office of *pontifex maximus*, or chief priest, and the consulship in 138 BC. He is primarily known for his stance against the Gracchi, culminating in his organization of the assassination of Tiberius Sempronius Gracchus in 133 BC.

179 The Gracchi, Tiberius Sempronius (ca. 164–133 BC) and Gaius Sempronius (ca. 154–121 BC), were the sons of Tiberius Sempronius Gracchus Major, the famous general who conquered the Celtiberians and held the consulship in 177 BC, and the grandsons of Publius Cornelius Scipio Africanus Major. They are both known for their policies of agrarian reform. As tribune of the plebs in 133 BC, the elder son, Tiberius, proposed to increase the number of Roman citizens by decreasing the property qualifications for military service and redistributing public land holdings to the poor. This led to stiff opposition by the *optimates* in the Senate and Tiberius's assassination by Publius Cornelius Scipio Nasica Serapio in 133 BC, an assassination Cicero felt was justified (see 1.76 and 2.43). His brother Gaius continued and even extended Tiberius's policies as tribune of the plebs in 123 and 122 BC. He was killed in a riot in 121 BC.

180 A verse from Cicero's autobiographical poem, *On His Consulship*, composed in 60 BC. Only a few fragments survive.

181 Cicero alludes to the Catilinarian conspiracy, a failed coup during the year of Cicero's consulship in 63 BC. See the first section of the introduction in this volume.

Lucius Sergius Catilina (108–62 BC) was a Roman statesman. After several failed attempts to win the consulship, he resorted to conspiring to overthrow the commonwealth with the aid of debt-ridden senators. His attempt was thwarted by Cicero's vigilance, and he was killed fighting with his army in Etruria.

182 Latin: *gloriari*. Literally: "to glorify oneself," and thus "to boast."

183 Latin: *beneficio*. Literally: "favor."

184 Viz., Marcus Porcius Cato the Elder. Cato made a point to conclude his speeches in the Senate—any speech—by declaring, *Delenda est Carthago*, or "Carthage must be destroyed."

185 See Aristotle, *Nicomachean Ethics* 1123b31.

186 See 1.34.

187 See 1.38. The next sentence is generally considered by scholars to be an interpolation; some even extend this assessment to the second sentence. Since the first sentence is abrupt and interrupts what precedes and follows it, I exclude it; but as the second sentence fits contextually, I include it. The first sentence in question: "Moreover, with respect to destroying and pillaging cities, we must take great care that nothing is done rashly or cruelly."

188 See 1.74.

189 Callicratidas (fl. 5th century BC) was a Spartan general. He led his fleet to destruction by the Athenians at the battle of Arginusae in 406 BC, in the final phase of the Peloponnesian War. He was killed in the battle.

190 Latin: *sine suo dedecore*. Literally: "without acting improperly himself."

191 Cleombrotus (late 5th century–371 BC) was a Spartan king. He led his army against Epaminondas of Thebes at the battle of Leuctra in 371 BC, resulting in his own death, the destruction of the Spartan army, and the eclipse of Spartan power.

192 Epaminondas (ca. 410–362 BC) was a Theban general and statesman. He is best known for leading his commonwealth of Thebes to victory against the then-dominant power of Sparta, at the

battle of Leuctra in 371 BC. With Spartan power crushed, he went on to liberate Arcadia and Messenia. Thereafter, Thebes enjoyed a brief period of preeminence in Greece.

193 Quintus Fabius Maximus Verrucosus Cunctator (early 3rd century–203 BC) was a Roman general and statesman. He was five times consul, twice dictator, and once censor. He is principally known for his "Fabian tactics," that is, delaying or withholding battle (Cunctator means "Delayer"). After Rome had been soundly defeated numerous times by Hannibal Barca in the early stages of the Second Punic War (218–201 BC), Fabius Maximus was appointed dictator for the first time in 221 BC. He believed what Rome needed most was time, time to recover and strategize. Thus he refused to engage Hannibal in pitched battles, instead choosing to engage him in a long war of attrition. His tactics were largely successful, and Rome recovered. Many Romans later considered him the savior of the commonwealth.

194 The verses are from book 12 of Ennius's *Annals*.

195 Latin: *totum corpus rei publiae*. Literally: "the entire body of the commonwealth."

196 For the first precept, see Plato, *Republic* 342e; for the second, see *Laws* 715b.

197 Latin: *populares*. See the glossary entry "those attached to the multitude."

198 Latin: *optimati*. See the glossary entry "best people, adherents of the."

199 See 3.79.

200 The first remark is from Plato, *Republic* 488a–b; the second has no exact parallel in the Platonic corpus, but see *Laws* 856b. See also 1.38.

201 Viz., Publius Cornelius Scipio Africanus Aemilianus.

202 Cicero makes the same point in *On Friendship* 77; however, compare both statements with the one made in *On the Commonwealth* 1.31.

Quintus Caecilius Metellus Macedonicus (early 2nd century–115 BC) was a Roman general and statesman. As praetor in 148 BC, he defeated Andriscus and successfully concluded the Fourth Macedonian War (150–148 BC); as consul in 143 BC, he defeated the Numantines in Spain; and as censor in 131 BC, he fought against the decline of Roman morals.

203 Latin: *aequabilitate iuris*. Literally: "equability with respect to what is right," and so fairness or "equity." See 2.15 for a similar use.

204 Latin: *altitudo animi*. Literally: "loftiness of mind." *Altitudo animi* is Cicero's Latin translation of Aristotle's Greek *megalopsuchia*.

205 I have translated the alternative reading *punit*, "the one doing the punishing," rather than Winterbottom's *punitur*, "the one being punished." The latter reading does not contextually fit.

206 Latin: *mediocritatem*. For an explanation of this word, see the glossary entry "average standard."

207 See, e.g., Aristotle, *Nicomachean Ethics* 1107a–1108b.

208 Latin: *legum similes sint*. Literally: "are similar to the laws."

209 Socrates (469–399 BC) is said by Cicero in his *Tusculan Disputations* 5.10 to have been the first to have "called down philosophy from the heavens and placed it in the cities, even introduced it into homes, and compelled it to search into life and customs, as well as good and bad things." An Athenian philosopher, Socrates is largely known to us from the writings of his students, Plato and Xenophon, as well as from later thinkers such as Cicero and Plutarch. By Cicero's time, all philosophical schools—Academics, Peripatetics, Stoics, even Epicureans—traced their lineages back to him. It seems specifically to have been Socrates's turn to matters of political philosophy that separated him from all prior philosophers, who focused on natural philosophy, and that marked him as the source of all subsequent philosophy. He was placed on trial for corruption of the young and impiety, and condemned to death in 399 BC. He left no writings.

210 Gaius Laelius Sapiens (fl. 2nd century BC) was a Roman general and statesman. He is best known for his close friendship with Publius Cornelius Scipio Africanus Aemilianus, whom he

accompanied to the siege of Carthage in 146 BC. With Scipio's help, he became consul in 140 BC. He is a primary character in Cicero's *On the Commonwealth*, *On Old Age*, and *On Friendship*.

211 Philip II of Macedonia (382–336 BC) was the king of Macedonia and father of Alexander the Great. Philip unified Macedonia, conquered much of Greece, and had ambitions to conquer the Persian Empire. After his assassination in 336 BC, this feat was left to his son, Alexander, who used the army his father built to realize his own ambition.

212 Alexander the Great (356–323 BC) was the king of Macedonia, son of Philip II of Macedonia, and student of Aristotle. He became legendary for quickly conquering the Persian Empire, invading India, and introducing Greek culture to the far corners of the East. He died in Babylon in 323 BC at the age of thirty-two under slightly mysterious circumstances. As legendary as were his deeds, equally legendary was his cruelty.

213 Viz., Publius Cornelius Scipio Africanus Aemilianus.

214 E.g., Cicero's friend Titus Pomponius Atticus.

215 Latin: *Haec praescripta servantem licet magnifice, graviter, animosque vivere, atque etiam simpliciter, fideliter, vere hominum amice*. Literally: "It is permitted for the one who observes these precepts to live magnificently, dignifiedly, and high-mindedly, as well as also candidly, truthworthily, and truthfully as a friend to [other] human beings." The *vere hominum amice* is corrupt, and so a bit of license must be taken with the translation.

216 See Xenophon, *Memorabilia* 3.9.6.

217 See, e.g., Horace's later *Art of Poetry* 92. See also Cicero, *Orator* 77ff.

218 Latin: *persona*. Literally: "mask." *Persona* means a "mask" or a "masked person" who appeared on stage during a play. Thus the word means a "character," "part," or "role" that an actor performs. I have translated it as "role" because *ingenium* has been translated as what pertains to a human being's innate nature or "character." See the note under 1.26.

219 If these are verses, they are from an unknown poet(s).

220 What is "keen and attentive" by nature for human beings is the virtue of wisdom; "well suited to human association," the virtue of justice; and "vigorous and strong," the virtue of magnanimity.

221 See Plato, *Phaedrus* 271a.

222 See 1.8 and 3.14.

223 Latin: *lege naturae*. Literally: "the law of nature." See glossary entry "nature."

224 Latin: *formam*. Literally: "form."

225 See Aristotle, *Politics* 1333a.

226 Latin: *sed eam, quae ab honestatis actionibus non sit aliena*. Literally: "but such [license] as is not foreign—" or "removed from actions of honorableness."

227 Titus Maccius Plautus (ca. 254–184 BC) was a Roman poet. He wrote comedies loosely based on Greek originals. Of the over fifty plays that he wrote, twenty-one survive. His influence on later poets, classical and modern, has been significant.

228 See, e.g., Aristophanes.

229 See Cicero, *Brutus* 292, where Plato, Xenophon, and Aeschines are listed as three such Socratic philosophers.

230 Viz., Marcus Porcius Cato the Elder.

231 See Xenophon, *On Hunting*.

232 See 1.11 and 1.107.

233 Latin: *hominis . . . mens*. Literally: "the mind of a human being." Although they are similar in meaning, I have translated *mens* and *animus* distinctly so that readers may follow Cicero's use of

animus. When compelled to translate *mens* as "mind," I have made reference to it in the notes. See the glossary entry "spirit."

[234] See 1.11 and 1.13.

[235] Compare this honorable precept with another statement made by Cicero only a year before in *On Ends* 1.2–3: "But as for those who, although pleased by [my philosophical activity], nevertheless, wish that it be engaged in more moderately, they demand a difficult sort of temperance. Once begun, philosophy is impossible to restrain and repress. So I am treated rather more justly by those who would entirely dissuade me from philosophy than by those who would place a limit on the limitless, and desire mediocrity [lit., 'an average standard'] in something that, the more one pursues it, the better it becomes. For if it is possible to attain wisdom, it must not only be obtained, but also enjoyed; and if its attainment is difficult, nevertheless, there can be no limit to the investigation of truth, unless you should discover it. And to tire of searching is disgraceful when what is sought is so very beautiful."

[236] See 2.88.

[237] See 1.11 and 1.105.

[238] Latin: *formis*. Literally: "forms."

[239] Lucius Licinius Crassus (140–91 BC) was a Roman orator and statesman. He was elected consul in 95 BC and passed the *Lex Licinia Mucia*, a law requiring all but citizens to leave Rome, which helped launch the Social War (90–89 BC). In 92 BC he was elected censor. Crassus was considered to be one of the preeminent orators of his generation. Cicero made him the principal speaker in his *On the Orator*.

[240] Lucius Marcius Philippus (ca. 141–73 BC) was a Roman orator and statesman. Philippus's career began in favor of *popularis* policies. As tribune of the plebs in 104 BC, he introduced an agrarian law. This *popularis* inclination gradually mellowed, and when he became consul in 91 BC, he opposed the proposals of Marcus Livius Drusus Minor to redistribute corn and land, as well as found new colonies. By the time of the civil war between Lucius Cornelius Sulla Felix and Gaius Marius, he had joined Sulla's conservative side. Cicero placed Philippus third in the ranks of the great orators of the day, after Lucius Licinius Crassus and Marcus Antonius Orator. See Cicero, *Brutus* 173.

[241] Gaius Julius Caesar Strabo Vopiscus (ca. 131–87 BC) was a Roman orator and statesman. In 103 BC he successfully prosecuted Titus Albucius, the ex-governor of Sardinia, for extortion. He served as aedile in 90 BC and unsuccessfully attempted to gain the consulship in 88 BC before being elected praetor. He was killed after Gaius Marius's return in 87 BC. He appears as a minor character discoursing on wit in Cicero's *On the Orator*.

[242] For Marcus Aemilius Scaurus, consul in 115 BC, see the note under 1.76.

[243] Marcus Livius Drusus Major (fl. 2nd century BC) was a Roman general and statesman. He became consul in 112 BC and censor in 109 BC. While Drusus Major largely fought against *popularis* policies, his son, Drusus Minor, would advocate on their behalf. Cicero speaks well of him as an orator. See Cicero, *Brutus* 109.

[244] For Gaius Laelius Sapiens, see the note under 1.90.

[245] Viz., Publius Cornelius Scipio Africanus Aemilianus.

[246] For Pythagoras, see the note under 1.56.

[247] Pericles (ca. 495–429**)** was a prominent orator and general and the preeminent Athenian statesman of the fifth century BC. So great was his influence that the historian Thucydides called him "the first citizen of Athens" (see Thucydides, *History of the Peloponnesian War* 2.65). As the Athenians became more democratic and their foreign policy more imperialistic, Pericles rose ever further in power. From 443 BC until his death in 429 BC, he was elected one of the ten generals. He died in 429 BC from the great plague that struck Athens at the beginning of the Peloponnesian War.

[248] For Hannibal Barca, see the note under 1.35.

[249] For Quintus Fabius Maximus Verrucosus Cunctator, see the note under 1.84.

[250] Jason of Pherae (late 5th century–370 BC) was the tyrant of Pherae ca. 385–370 BC. He unified Thessaly and, after the battle of Leuctra in 371 BC, made peace with Sparta to offset the growing power of Thebes. Before he could entertain further ambitions, he was assassinated in 370 BC.

[251] For Solon, see the note under 1.75.

[252] The Athenians had been engaged in a long war with the Megarians for the island of Salamis. When they tired of the war, they passed a law forbidding anyone to write or speak out for its continuation. Solon believed the war good policy, and so feigned madness in order to write a poem, titled *Salamis*, designed to persuade the Athenians to resume the conflict. The ruse was successful, the poem well received, and the war resumed.

[253] For Lucius Cornelius Sulla Felix, see the note under 1.43.

[254] For Marcus Licinius Crassus Dives, see the note under 1.25.

[255] For Lysander, see the note under 1.76.

[256] For Callicratidas, see the note under 1.84.

[257] Quintus Lutatius Catulus (late 2nd century–87 BC) was a Roman orator, general, and statesman, and the father of Quintus Lutatius Catulus Capitolinus. He became consul in 102 BC, along with Gaius Marius. However, in the conflict between Marius and Lucius Cornelius Sulla Felix, he sided with the latter. When Marius gained control of Rome in 87 BC, Catulus committed suicide rather than face prosecution. He was a noted writer and was interested in philosophy. He appears as a character in Cicero's *On the Orator*.

For Quintus Lutatius Catulus Capitolinus, see the note under 1.76.

[258] Quintus Mucius Scaevola Augur (fl. 2nd century BC) was a Roman jurist and statesman. He became consul in 117 BC. Scaevola was considered an expert on Roman law, as well as learned in Stoic philosophy. Cicero studied law with him as a young man, and would later include him as a character in his *On the Orator*, *On the Commonwealth*, and *On Friendship*. The word "Mancia" is added after "Quintus Mucius" but is thought by scholars to be an interpolation.

[259] Publius Cornelius Scipio Nasica (fl. 2nd century BC) was a Roman statesman, and son of Publius Cornelius Scipio Nasica Serapio. He was consul in 111 BC. Cicero comments on his wit in *Brutus* 128.

[260] For Publius Cornelius Scipio Nasica Serapio, see the note under 1.76.

[261] For Tiberius Sempronius Gracchus, see the note under 1.76.

[262] Minerva was the goddess of wisdom, as well as the arts and war.

[263] Latin: *Graeca verba inculcantes*. Literally: "forcing out—" or "inserting Greek words." The equivalent in modern English would be the individual who unnecessarily inserts French words into his speech to the incomprehension or irritation of all.

[264] Marcus Porcius Cato Uticensis (95–46 BC), also called Cato the Younger, was a Roman statesman. He was the great-grandson of Marcus Porcius Cato the Elder, whom he greatly admired and strove to imitate. Renowned for his stubbornness and moral inflexibility, Cato dedicated his life to serving as a living model of what he believed was an ideal Stoic statesman. Such probity cost him the consulship in 51 BC, when he refused to engage in bribery at a time when political corruption was widespread. So resolute was his Stoic character that, despite his relative youth and lack of consular standing, when the Civil War (49–45 BC) broke out between Gaius Julius Caesar and Gnaeus Pompeius Magnus, he was considered to be one of the primary leaders of the Roman Republic. After Pompeius was defeated by Caesar at the battle of Pharsalus in 48 BC, Cato assumed command of the remaining forces in Africa. He was defeated by Caesar at the battle of Utica in 46

BC; rather than give Caesar the chance to pardon him, he committed suicide. He is a primary character in the third and fourth books of Cicero's *On Ends*.

[265] Viz., Gaius Julius Caesar.

[266] See the Delphic precept *Gnothi seauton*, or "Know thyself."

[267] Rupilius (fl. 1st century) was an actor known only from this reference.

Aesopus (fl. 1st century BC) was a tragic actor and contemporary of Roscius. He gave Cicero lessons in elocution and supported Cicero's recall from exile.

The plays cited are all lost Roman tragedies. The *Epigoni* and *Clytaemestra* were by Accius, the *Medus* and *Antiope* by Pacuvius, the *Melanippa* and *Ajax* by Ennius.

[268] See 1.120 and 2.19–20.

[269] Quintus Mucius Scaevola Pontifex (late 2nd century–82 BC) was a Roman orator, jurist, and statesman. The son of Publius Mucius Scaevola Augur, he was consul in 95 BC and *pontifex maximus* in 89 BC. He wrote the first systematic treatise on Roman civil law. On suspicion of joining Lucius Cornelius Sulla Felix, he was killed in 82 BC.

[270] Viz., Publius Cornelius Scipio Africanus Aemilianus.

[271] Timotheus (late 4th century–354 BC) was an Athenian statesman. He was the son of Conon and pupil of Isocrates. Elected as a general in 378 BC, he adopted a failed imperialistic policy for the Second Athenian League. He was impeached but acquitted, and later fined one hundred talents. He left Athens and died in 54 BC.

[272] E.g., Cicero himself.

[273] Latin: *complecti animo et cogitatione*. Literally: "embrace with our mind and by reflection."

[274] Prodicus of Ceos (fl. 4th century) was a sophist and contemporary of Socrates. He was the author of the famous myth *The Choice of Heracles*.

[275] Xenophon (ca. 428–ca. 354 BC) was an Athenian general and student of Socrates. He left Athens in 401 BC to join Cyrus's expedition to gain the Persian throne and was exiled for it in 399 BC. The expedition failed, and Xenophon traveled to Sparta and Corinth, not to return to Athens until his exile was rescinded late in his life. He wrote works of biography, history, and philosophy.

[276] See Xenophon, *Memorabilia* 2.1.21–34. See also the later retelling of this story in Matthew 4.1–11; Mark 1.12–13; and Luke 4.1–13.

[277] See Cicero, *Tusculan Disputations* 3.2.

[278] See 1.107ff.

[279] Latin: *habenda ratio est*. Literally: "a reason must be held." As this translation is much too awkward in English, I have consistently translated the phrase as "to consider" or "to take into consideration." All such instances are referenced in the notes.

[280] See Cicero, *On Friendship* 76.

[281] Publius Cornelius Scipio (fl. 2nd century BC) was a Roman orator. The elder son of Publius Cornelius Scipio Africanus Major, he was precluded from a political career due to ill health, and instead became an outstanding orator and scholar. He adopted the elder son of Lucius Aemilius Paullus Macedonicus. See Cicero, *Brutus* 77.

[282] Latin: *non tam potuit patris similis esse*. Literally: "was less able to be similar to his father."

[283] Viz., Publius Cornelius Scipio Africanus Aemilianus.

[284] Latin: *cui dedecori*. Literally: "to act improperly with respect to this . . ."

[285] See 2.4.

[286] Latin: *dedecus concipit*. Literally: "derives something improper."

[287] Listed in the text between "private citizens" and "foreigners" is *civium*, "citizens." As this concept is largely understood under *privatorum*, "private citizens," and is not discussed as a separate

category in 1.124–125, I have omitted it as an interpolation.

[288] Latin: *personam*. See the note under 1.97. See also Cicero, *On the Laws* 3.2.

[289] Latin: *iura discribere*. Literally: "dispense—" or "apportion right principles." In other words, preserve equity and give to each his own. See 1.15.

[290] See Plato, *Laws* 952dff.

[291] Latin: *habuisse rationem*. See the note under 1.120.

[292] See Cicero, *On the Nature of the Gods* 2.141. See also Xenophon, *Memorabilia* 1.4.6; Aristotle, *Parts of Animals* 681b26.

[293] Latin: *quam occultissime*. Literally: "[in] as hidden [a way] as possible."

[294] Latin: *occulte*. Literally: "hidden."

[295] See Aristotle, *Politics* 1336b3–8.

[296] Cynicism was a school of Greek philosophy founded in the fifth century BC by Antisthenes, a student of Socrates. The Cynics believed the end of human nature to be a life of virtue; however, in their insistence on living strictly according to nature, they often entirely dispensed with convention and so were considered shameless. For example, the most famous Cynic, Diogenes of Sinope, was said to beg for a living, sleep in a barrel, urinate on people who insulted him, defecate in the theater, make obscene gestures, and masturbate in public. Early Stoicism and its founder, Zeno, shared many of the tenets of Cynicism.

[297] Latin: *venustas*. Literally: the quality of making something more "attractive" or "lovely." Thus Cicero suggests that part of femininity entails adornment.

[298] Latin: *a forma*. Literally: "from [his] form."

[299] Latin: *recta*. See the note under 1.8.

[300] Latin: *Formae autem dignitas coloris bonitate tuenda est*. Literally: "Moreover, the dignity of one's form must be maintained with respect to the goodness of its color."

[301] Latin: *Cavendum autem est ne aut tarditatibus utamur <in> ingressu mollioribus*. Literally: "Further, we must beware either using an effete saunter in our pace."

[302] See Cicero, *On Ends* 5.35.

[303] For Quintus Lutantius Catulus and his son Quintus Lutatius Catulus Capitolinus, see the notes under 1.109 and 1.76, respectively.

[304] Latin: *obscurum*. Literally: "obscurity."

[305] Viz., Lucius Licinius Crassus.

[306] Latin: *sed bene loquendi de Catulis opinio non minor*. Literally: "but the opinion [held] about the Catuli with respect to speaking well [is] no less [great]."

[307] For Gaius Julius Caesar Strabo Vopiscus, see the note under 1.108.

[308] Latin: *in illo ipso forensi genere dicendi contentions aliorum sermone vinceret*. Literally: "he conquered the arguments of others in that very forensic kind of speaking with conversation."

[309] Latin: *in sermone communi vicissitudinem non iniquam putat*. Literally: "one ought to think alternation in a common conversation not inequitable."

[310] Latin: *militem gloriosum*. Literally: "self-glorifying soldier."

[311] See Plautus, *Braggart Soldier*.

[312] See Aristotle, *Nicomachean Ethics* 1123a6–10.

[313] Gnaeus Octavius (fl. 2nd century BC) was a Roman general and statesman. As praetor in 168 BC, he commanded the Roman fleet against Perseus of Macedonia, whom he captured at Samothrace. He became consul in 165 BC.

[314] Latin: *novo homini*. Literally: "new human being." A *novus homo* was someone whose ancestors had not been admitted into the Senate, and was the first to be admitted, perhaps even obtaining the consulship, as was the case with Cicero himself.

[315] Marcus Aemilius Scaurus (fl. 1st century BC) was a Roman statesman. He was quaestor under Gnaeus Pompeius Magnus around 65 BC, aedile in 58 BC, praetor in 56 BC, and governor of Sardinia in 55 BC. In 54 BC he was prosecuted for extortion, defended by Cicero, and acquitted. He next made a bid for the consulship in 53 BC, but was accused and convicted of bribery. He soon after went into exile.

[316] Latin: *habenda ratio . . . est*. See the note under 1.120.

[317] A verse from an unknown poet. I have translated the alternative reading *heu*, "alas," rather than Winterbottom's *et*, "and." The latter reading does not fit quite as well. Cicero condemns Marcus Antonius for being unworthy to appropriate the house of Marcus Varro in his *Second Philippic* 104.

[318] Lucius Licinius Lucullus (ca. 110–57 BC) was a Roman general and statesman. He and his younger brother, Marcus Licinius Lucullus, were supporters of Lucius Cornelius Sulla Felix. He held the aedileship jointly with his brother in 79 BC and threw splendid games. He went on to become praetor in 78 BC and consul in 74 BC. Later he secured a command against Mithridates of Pontus. Although a just and capable general, his command was hampered by the mutiny of his soldiers and political opposition in Rome, leading to his eventual replacement by Gnaeus Pompeius Magnus. He retired in 59 BC and died shortly thereafter. He appears as a primary character in the first edition of Cicero's *Academics*, also called the *Lucullus*. See also *On the Laws* 3.30.

[319] Latin: *non hanc, quam interpretamur modestiam, quo in verbo modus inest*. Literally: "not in that [sense] in which we translate 'discretion,' in which 'due limit' is inherent to the word." The Latin is awkward and ambiguous, and so I have sacrificed what seems to be the literal meaning for what seems to be the conceptual meaning.

[320] Latin: *vis*. Literally: "force."

[321] See 1.15ff.

[322] See 1.153.

[323] For Pericles, see the note under 1.108.

[324] Cicero uses the Latin term *praetor* for the Greek office of *strategos*, meaning "general."

[325] Sophocles (ca. 496–406 BC) was an Athenian poet, general, and statesman. He served as the imperial treasurer in 443–442 BC and was twice elected general. His best-known works include *Antigone* and *Oedipus Tyrannus*.

[326] Latin: *de communi officio*. Literally: "for a commonly appropriate action." This is one of the very few occasions when translating *officium* as "appropriate action" is inappropriate. However, conceptually the meaning is the same: the appropriate action of their common or shared office was the fulfillment of that office—that is to say, to do their "duty."

[327] Latin: *vis*. Literally: "force."

[328] The word "civilized" is contextually implied. As Cicero uses the term, *humanitas*, or "humanity," implies the civilized qualities of being human.

[329] Compare this precept and the similar one at 3.75 with the expanded circumstances outlined in 3.93.

[330] Latin: *vel etaim usu peritos*. Literally: "or even those [who are] experienced owing to [their] use [of a given action]."

[331] Latin: *ii qui signa fabricantur*. Literally: "those who fashion statues."

[332] Latin: *iique et secum et ab aliis . . . exquirunt*. Literally: "and so seek from themselves as well as from others." See the note under 3.56.

[333] See Aristotle, *Politics* 1281b7–9.

[334] Aristippus of Cyrene (fl. 5th century BC) was a companion of Socrates and is traditionally considered to be the founder of the Cyrenaic school. He was something of a precursor to Epicurus in teaching that the end of human nature was pleasure.

[335] See, e.g., Plato, *Symposium* 174e–175a.

[336] Latin: *magnis . . . et divinis bonis*. Literally: "owing to great and divine good things."

[337] For the Cynics, see the note under 1.128.

[338] Latin: *rectum*. See the note under 1.8.

[339] Latin: *imperio*. Literally: "rule." I have here translated the singular as if it were plural to better fit the context. See the glossary entry "rule."

[340] See 1.122–123.

[341] See 1.53.

[342] See 1.50–52.

[343] Latin: *artificiis*. An *artificium* is the profession of an *artifex*, a person who specializes in a particular art. I have translated *artificiis* here as "arts." See the glossary entry "art."

[344] See Plautus, *The Brothers Menaechmus* 114ff.

[345] See Cato the Elder, *On Agriculture* 1, as well as Cato's bon mot reported by Cicero below in 2.89.

[346] See Plato, *Republic* 371e.

[347] See Xenophon, *Oeconomius* 4.2.

[348] See Terence, *The Eunuch* 257.

[349] Latin: *totumque ludum talarium*. Literally: "and every game of dice." See Dyck, *A Commentary on Cicero, De officiis*, 336.

[350] Latin: *ordini*. Cicero uses the same word, *ordo*, which at 1.142 and elsewhere has been translated as "order" or "orderliness." I have added the word "social" to better convey the contextual meaning. However, the concept is the same: each stratum of society has its correspondingly fitting place or pursuits.

[351] See Xenophon, *Oeconomicus* 5.17.

[352] See Cicero, *On Old Age* 51ff.

[353] The word "opinion" is contextually implied in the Latin.

[354] For the tension between the superiority of wisdom and justice, that is, between the claims of the contemplative life and the political life, as well as Cicero's seeming endorsement of the latter, see the first section of the interpretative essay.

[355] See Aristotle, *Nicomachean Ethics* 1169b16. See also Cicero, *On the Commonwealth* 1.39; *On Ends* 3.65; and *On Friendship* 55.

[356] Latin: *in qua continetur deorum et hominum communitas et societas inter ipsos.* Literally: "which encompasses the community between the gods and human beings, as well as the association between them." The Latin phrase *inter ipsos*, which I have translated as "between them," is ambiguous and could refer to the association among the gods, or, like *communitas*, among gods and human beings. Compare this Stoic definition of wisdom with the one given by "the philosophers of old" in 2.5. See also the glossary entry "wisdom."

[357] Compare this statement with the Dream of Scipio in the sixth book of *On the Commonwealth*, especially the following remark in 6.16: "From this place, I contemplated everything that seemed to me superb and marvelous. And there were some stars such as we had never seen from the earth and others of a magnitude such as we had never suspected; the smallest of these stars was farthest from heaven and closest to earth, and shined with borrowed light. Moreover, the globes of these stars

easily surpassed the magnitude of the earth. By now our earth seemed so small to me that I scorned our empire, which touched, as it were, only a speck of it."

[358] Lysis of Tarentum (fl. 4th century BC) was a Pythagorean philosopher. He migrated to Achaea and then to Thebes, where he became the teacher of Epaminondas.

[359] For Epaminondas, see the note under 1.84.

[360] Dion of Syracuse (ca. 408–354 BC) was the uncle of Dionysius II of Syracuse. Impressed by the teachings of Plato when Plato visited Sicily in 389 BC, Dion attempted to make Dionysius II into a philosopher-king, but was suspected of trying to supplant him and was exiled. He settled in Athens and studied at the Academy until returning to Sicily in 357 BC to liberate Syracuse. He ruled Syracuse according to what he believed were Platonic principles until his assassination in 354 BC at the hands of his follower and fellow Academic, Callippus.

[361] See Aristotle, *Politics* 1253a1–3, 7–9.

[362] See 3.32.

[363] Viz., the Epicureans. See Polybius 6.5.4ff.; Lucretius, *On the Nature of Things* 5.1011ff. See also Cicero, *On the Commonwealth* 3.23.

[364] Compare this honorable precept in 1.157–58 with the useful ones given in 2.13–15, 2.41–42, and 2.73. Then compare both with Scipio's more prudent definition of a commonwealth in *On the Commonwealth* 1.39.

[365] For the use of *victus* and *cultus*, here and below, see the glossary entries "sustenance" and "cultivation," respectively.

[366] See Cicero, *On the Commonwealth* 1.39.

[367] Latin: *naturae*. Literally: "for nature." "Human" nature is implied.

[368] Posidonius of Apamea (135–51 BC) was a pupil of Panaetius and a leading Stoic philosopher. After traveling the Mediterranean widely, conducting research, he settled in Rhodes to write on all manner of philosophical and historical subjects. Cicero studied with him as a young man in 78 BC.

[369] The subject is still *officiorum* ("appropriate actions") from the previous sentence. It is implied here in the verb *debeantur* ("they are owed to"). I have translated the two together as "appropriate to act . . . on behalf of."

[370] Compare the following precept with the exchange on piety at 3.90. Here the order of precedence is gods, fatherland, parents; there, fatherland, parents, gods.

[371] See 1.10 and 1.152.

Book Two

(1) Marcus, my son, how appropriate actions are derived from honorableness, as well from each kind of virtue, I think has been adequately explained in the previous book. It remains for me to discuss the types of appropriate action that pertain to the cultivation of life, as well as to means, influence, and the abundance of those things that human beings use. Next, as I said before, I must seek what is useful, what is useless, then, from among useful things, which is more useful, which is most useful. I shall attempt to speak about these things, but first I would say a few words about my intentions and criteria of judgment.

(2) Although my books have aroused in many people an eager desire not only to read but even to write,[1] nevertheless, I fear that the name of philosophy might be resented by some good men, and they may wonder why I place so much effort and time into it. To be sure, as long as the commonwealth was governed by those to whom it had entrusted itself, I bestowed all my care and reflection upon it. But when everything became the preserve of one individual's dominion,[2] and there was a place for neither counsel nor guidance, and, finally, I had lost the very best men as allies in defense of the commonwealth,[3] I surrendered myself neither to despair—which I would have been reduced to had I not resisted it—nor to

pleasures unworthy of a learned human being.[4] **(3)** Would that the commonwealth had remained in the state in which it had begun, and had not fallen into the hands of such human beings longing not so much to change as to overturn everything! If such were the case, first, I would put more effort into acting than into writing, as I was accustomed to do while the commonwealth still stood; and, second, I would commit to such writing not such works as I now do, but my actions, as I often did. But when the commonwealth, in which I was accustomed to place all my care, reflection, and effort, entirely ceased to exist, plainly those forensic and senatorial speeches ceased to need recitation. **(4)** Still, as my mind was incapable of inaction,[5] I thrust myself into those pursuits in which I had been engaged from an early age, believing I could most honorably lay aside my troubles if I returned to philosophy. For although as an adolescent I had devoted a great deal of time to it for the purpose of learning,[6] afterward I began to devote myself to honors, and surrendered myself wholly to the commonwealth. Thus there was only as much a place for philosophy as there was time remaining from the business of friends and the commonwealth. And as this time was entirely consumed in reading, there was no leisure for writing.

(5) In the midst, then, of the greatest of ills, nevertheless, I seem to have gained this good: I may commit to writing these things that are inadequately known to our countrymen and most worthy of inquiry. For what, by the gods, is more desirable than wisdom? What is more excellent, what is better for a human being—what is worthier of a human being? Those who aspire to this are called philosophers; nor is "philosophy" anything other, should you wish it translated, than "the pursuit of wisdom."[7] Further, "wisdom," as defined by the philosophers of old,[8] is "knowledge of things divine and human, as well as of the causes that comprise them."[9] If someone condemns this pursuit, I in no way understand what he would think praiseworthy. **(6)** For if delight of the mind or a rest from care is sought, what can compare to the pursuits of those who are always examining something that looks to and promotes a good and blessed life?[10] Or if the reasoning underlying constancy and virtue is of concern, either this is the art by which we may pursue it, or none exists at all. And to say no such art exists for the greatest

of things, when none of the most trivial ones lacks an art, is the talk of unthoughtful human beings erring in the greatest of matters. Moreover, if there is some means of teaching virtue, where would it be sought, when you have abandoned this kind of learning? At any rate, when I exhort others to philosophy, these things are usually discussed more carefully, as I did in another book.[11] But at this time I need only indicate why, deprived of the duties of public affairs, I have devoted myself chiefly to this pursuit.

(7) But an objection is raised against me—and this by learned and educated people—questioning[12] whether I seem to act quite consistently, since I say that nothing can be known, but nonetheless usually discuss various subjects, and at this time set forth precepts on appropriate action. I want these people to come to know my sentiment a bit better; for I am not the sort whose mind wanders erroneously, nor lacks some criteria to follow. Now what sort of mind,[13] nay, what sort of life would it be if reason, not only in discussion, but even in life, were removed? No, rather, as others[14] say some things are certain, others uncertain, so I have said, disagreeing with them, some things are probable, others not.[15] **(8)** What, then, prevents me from following those things that seem to me probable, rejecting those that do not, and so avoid the arrogance, indeed, flee the temerity of asserting anything so at odds with wisdom? Moreover, I argue against every subject because this very probability could not be elucidated unless some argument has been made on both sides of every subject. But I think these things have been carefully enough explained in my *Academics*.[16] At any rate, my dear Cicero, although you are studying a most venerable and noble philosophy under Cratippus,[17] an individual so similar to those who first embarked on that superb tradition,[18] nevertheless, I did not want you to remain ignorant of this tradition of mine, which is so very close to your own.

But now let us continue on to the subject at hand.

(9) A fivefold reasoning, then, has been proposed for our pursuit into appropriate action: two of which pertain to propriety and honorableness, two to things advantageous for life—to abundance, influence, resources—and a fifth to some criteria of judgment for choosing, if ever these things, as I said, should seem to conflict with each other. The part on honorableness

has been completed; this is the part with which I desire you to be most familiar.[19] But now we are going to proceed to that very thing that is called the useful. Habit has eroded and twisted this word, gradually reducing it to the point where,[20] severing honorableness from utility, it has decreed something to be honorable that is not useful, and useful that is not honorable—a habit that could not bring greater ruin to human life. **(10)** Indeed, philosophers of the very highest authority solemnly, sensibly, and even honorably distinguish in thought between these three intermingled groupings.[21] For they[22] suppose whatever is just is also useful; and, likewise, whatever is honorable is likewise just; consequently, whatever is honorable is likewise useful. Whoever insufficiently perceives this, insofar as they admire adroit and cunning human beings, they judge malice to be wisdom.[23] Their error must be torn away, and all such opinions converted to the hope that they understand that they may obtain the things that they wish by honorable deliberations and just deeds, not fraudulently and maliciously.

(11) When considering, then, those things that pertain to protecting human life, some are inanimate,[24] such as gold, silver, the things that are borne from the earth, and other things of this same sort; others animate, such as have impulses and appetites of their own. Moreover, some animate beings lack reason, others use reason. Those that lack reason include horses, cows, cattle, and bees, whose labor produces something for the use and lives of human beings. But two sorts put reason to use, one being the gods, the other human beings. Piety and sanctity placate the gods; but next and immediately after the gods are human beings, who can be especially useful to other human beings. **(12)** The same division exists for those things that can harm or hurt us; but because the gods are not thought to inflict harm,[25] they are excluded, human beings above all judged to hurt other human beings.[26]

The majority of the things that I said are inanimate are accomplished by human effort, things that we would not have unless hand and art had not been applied, nor that we could use without the administration of human beings. For neither the care for health nor navigation nor agriculture nor the gathering and storing of crops and other produce would have been possible without human effort. **(13)** In truth, there certainly would be no exportation

of those things in which we abound, nor importation of those that we lack, unless human beings performed these functions. Nor, by this same reasoning, would stones necessary for our use be quarried from the earth, nor would

iron, copper, gold, silver, hidden deep within,[27]

be excavated without the labor of human hands. In truth, how could houses, which buffet the force of the cold and allay the bother of the heat, have been provided for the human race in the first place—or afterward have been repaired[28] if they collapsed from either a force of weather or earthquake or antiquity—unless a common life had not taught us to solicit aid from other human beings for these things? **(14)** Add to this aqueducts, diversions of rivers, irrigation of fields, breakwaters, artificial harbors—how could we have these things without human effort? It is clear from these and many other examples that in no way would we derive enjoyment and utility from inanimate things without the work of human hands.

Finally, what enjoyment or advantage could be obtained from the beasts, unless human beings should facilitate it? For those who first discovered what use we could derive from each beast were certainly human beings;[29] nor at this time could we feed or domesticate or protect them, nor obtain from them their seasonable yields, without human effort. And it is by these same human beings that harmful beasts are killed and those that can be of use are captured.

(15) Why should I enumerate the multitude of arts without which life would be entirely impossible? For who would aid the sick, what delight would there be for the healthy, what sustenance or cultivation[30] would we have, unless so many arts were furnished to us, arts that improve human life, a life that is far removed from the sustenance and cultivation of the beasts? In truth, cities would neither have been built nor populated had not human beings gathered together; this resulted in laws and customs being established; and this, in turn, to equity[31] and a settled manner of life. Gentleness of spirit and a sense of shame followed from these things, resulting in life becoming more secure, and even, by giving and receiving, by exchanging resources and advantages, our coming to want for nothing.

(16) I have dwelled on this subject longer than necessary. For is there anyone to whom those things recounted by Panaetius at length are not evident—that no one, neither a general in war nor a preeminent individual at home, can accomplish great and salutary things without the devotion of other human beings? Themistocles, Pericles,[32] Cyrus,[33] Agesilaus,[34] Alexander,[35] are all recounted by him, individuals whom he denies could have achieved such deeds without the assistance of other human beings. But he uses unnecessary witnesses in a matter in which there is no doubt.

Still, as we derive great utilities from the unanimity and concord of other human beings, so, too, is there no destruction so detestable that it cannot be visited on one human being by another. There is a book by Dicaearchus,[36] a great and copious Peripatetic, about the destruction of human beings. After collecting all the other causes, such as flooding, plague, devastation, even unexpected hordes of brute beasts, by whose fury, he shows, whole peoples[37] have been destroyed, he compares then how many more human beings have been annihilated by other human beings in war or sedition than by any other disaster.[38]

(17) Since, then, there is no doubt to the assertion that human beings above all both benefit and hurt other human beings, I maintain that it is characteristic of virtue to win over the minds of other human beings and harness them for one's own use.[39] And so those things that happen to be useful to human life, either from inanimate objects or from the use and management of the brutes, are to be attributed to the arts; but the devotion of other human beings, ready and willing to further our interests, is aroused by the wisdom and virtue of excellent men. **(18)** For surely all virtue is largely dependent on three things: one of which is in perceiving what is true and genuine in any given thing, for what it is fit, what its consequences are, as well as its causes; another in restraining turbulent activity of the mind, which the Greeks call *pathe*, and making appetites obedient to reason, which they call *hormai*; and a third in using those with whom we associate moderately and skillfully, so that by their devotion we may have a full and plentiful supply of those things that are desirable by nature, and so that through these same people, if something inconvenient should befall us, we

may avert it, as well as punish those who have tried to harm us, inflicting on them such punishment as equity and humanity permit.

(19) I will shortly discuss by what reasoning we may acquire the ability to seize the devotion of other human beings and keep it, but first a few other things must be mentioned. Who is ignorant of how great a force fortune is on every outcome, whether propitious or adverse?[40] For although we use her propitious winds to convey us to a port we desire, when she blows the other way, we are wrecked. This very fortune, then, governs those rarer chance accidents, first, such as occur from inanimate things, like hurricanes, storms, shipwrecks, building collapses, and fires; and, second, from the beasts, like blows, bites, and attacks. But these things, as I said, are rare. **(20)** Contrast them in truth with the destruction of armies—three of late,[41] often many more—the defeat of generals—recently a very great and singular man[42]—in addition to the envy of the multitude, on whose account citizens meriting better are often banished, ruined, or exiled.[43] Or contrast them with successes, such as honors, public offices, or victories. Although they are all subject to fortune, nevertheless, these reversals and successes cannot be accomplished without the influence and devotion of other human beings. Having inquired into this, we must now discuss how we may entice and arouse the devotion of other human beings for our own utility. If my speech is overlong, let it be compared to the magnitude of utility—then it will seem, perhaps, all too brief.

(21) Whenever, then, human beings bestow something upon someone so as to enrich and honor him, they do so either out of goodwill, as when they esteem someone owing to some cause; or out of honor, if they admire his virtue and think him worthy of all the best fortune; or they consider him trustworthy and think that he looks after their interests; or they fear his influence; or, conversely, expect something from it, as when kings or demagogues[44] offer some largesse; or, finally, they are induced by pay and recompense, which indeed is the most sordid and base reason, both of those who are bound by it, as well as those who try to resort to it. **(22)** For it is an ill affair when what ought to be done out of virtue is undertaken out of money. But since sometimes this support is necessary, I will discuss how it

must be used, after I have first discussed those things that are more characteristic of virtue.[45]

(23) Now of all the above, none is more fit to defend and maintain one's influence than to be esteemed, none more foreign than to be feared.[46] For as Ennius superbly says:

> He whom they fear, they hate; he whom someone hates, he desires To destroy.[47]

Moreover, if we were ignorant of it before, recently we have come to know that no amount of influence can withstand the hatred of many. It is truly the death not only of that tyrant[48] whom our own political community endured while oppressed by his arms—and still very much obeys after his death—that reveals how capable the hatred of other human beings is to cause destruction, but of all other tyrants meeting similar ends—hardly any one of them escaped such a death. For ultimately fear is a bad guarantor, while, on the contrary, goodwill is trustworthy, nay, unfailing.

(24) To be sure, severity must be employed by those who, as rulers,[49] coerce people they have oppressed by force, as a master does his servants, if they cannot be controlled in any other way. But in truth those who contrive to make themselves feared in a free political community cannot possibly be more insane; for however overwhelmed the laws might be by someone's influence, however cowed liberty might be, nevertheless, sometime or another they will emerge again, either tacitly in judicial verdicts or secretly in public elections.[50] For the pangs of a liberty suspended are more acute than one retained. Let us then embrace what is most effective, in promoting not only our safety, but even our influence and power—namely, in banishing fear and retaining affection. Thus we will quite easily obtain the things that we want in both private matters and public affairs.

For surely those who wish to make themselves feared will themselves necessarily fear the very people who fear them.[51] **(25)** What tortuous fear do we suppose continually choked the elder Dionysius,[52] who had his hair singed off with a glowing coal for fear of the barber's knife?[53] In what state of mind do we think Alexander of Pharae[54] lived, who, as we read in an

account, although he greatly esteemed his wife Thebe, nevertheless, whenever he came to her after dinner into her bedroom, would order a barbarian—and one in fact, as the account has it, tattooed in the Thracian manner—to precede him with a drawn sword, and would send ahead people from his own entourage to scour his wife's dressers[55] in search of any weapon that might be hidden in her clothes. What a wretched person who thinks a branded barbarian more trustworthy than his own wife! Nor was he disappointed: for he was killed by this very woman on suspicion of keeping a mistress.

Nor is the force of any rule truly so great that ultimately it can survive under the weight of fear. **(26)** Witness Phalaris,[56] whose cruelty was known to have exceeded everyone, who was killed not by treachery, as I recently said Alexander was, not by a few people, as that individual of ours was,[57] but by an assault made on him by the entire Agrigentian multitude. Again, did not the Macedonians abandon Demetrius[58] and as one defect to Pyrrhus?[59] And again, did not almost all their allies suddenly desert the Lacedaemonians for their unjust rule and allow themselves to idly watch the disaster at Leuctra?[60]

I am more willing to recall foreign examples in such a matter than domestic. It is nonetheless true that for as long as the rule of the Roman people was maintained through favors and not injuries, wars were waged either on behalf of allies or over rule; wars were concluded either with clemency or according to necessity; the Senate was a harbor and refuge for kings, peoples, and nations; and, further, our magistrates and generals eagerly desired to capture the greatest praise from but one thing—whether they had defended our provinces or allies with equity and in good faith.[61] **(27)** And so it could more truly have been called a "patronage" of the world rather than a "ruling" of it.

Already before Sulla[62] we were gradually forgoing this habit and practice; but in truth after his victory we dismissed it completely. For there ceased to seem to be anything inequitable that could be inflicted upon our allies when such manifest cruelty had been inflicted upon our own citizens. In Sulla's case, then, a dishonorable victory followed an honorable cause; for after erecting an auction spear in the forum, so as to sell the goods of good men

and the rich and those who were certainly citizens, he dared to say he was selling his own spoils.[63] Then followed an individual[64] whose cause was impious, whose victory more loathsome still; he did not confiscate the goods of individual citizens, but seized whole provinces and regions out of the sole right to destroy.[65] **(28)** And so we see Massilia borne in a triumphal procession as an example to harassed and ruined foreign nations of our lost rule; a triumph celebrated over a city without whose help our generals would never have triumphed in the Gallic Wars.[66] I could recall many other execrable acts inflicted upon our allies, if the sun had seen anything more unbecoming than that one. So now we rightly suffer punishment. For had we not permitted the crimes of so many to go unpunished, such license would never have come into the hands of one.[67] And while the inheritance of his estate has passed on to but few, the inheritance of his longings has passed on to a wicked many.

(29) There will truly never be a seed and a cause for civil wars wanting so long as ruined human beings remember and long for that auction spear; Publius Sulla[68] brandished it when his relative was dictator, and did not refrain from a still-more criminal spear thirty-six years later; and still another Sulla,[69] who was a clerk in that earlier dictatorship, was an urban quaestor in this most recent one. Consequently, it ought to be understood why, with such rewards offered, there will be no shortage of civil wars. And so only the walls of our city's houses stand and endure, and even now the residents of these fear the most brutal crimes to come; but in truth we have lost the commonwealth completely. And we have fallen prey to this slaughter, to return to my proposition, because we prefer to be feared rather than respected and esteemed. If these things could befall the Roman people for ruling unjustly, what ought individuals to think?

Since it is evident that goodwill is a great force, fear a feeble one, it follows that we ought to discuss how we may obtain the affection we wish with honor and in good faith. **(30)** But not all people require affection equally; whether one needs to be esteemed by many, or if it is enough to be esteemed by a few, must be tailored to the life built by each. What is certainly necessary and primary is that we have a trustworthy intimacy with friends who love us and admire our qualities. For this is the one thing that

absolutely does not differ between excellent and average men, and must be acquired alike by both. **(31)** So perhaps not all people require as much honor and glory and goodwill from their fellow citizens, but, nevertheless, if these things should be accessible to someone, they do help to a considerable degree in acquiring friendships, among other things.

But as I have spoken on friendship in another book, entitled *Laelius*,[70] let us now speak on glory. And although there are two books of mine on this subject as well,[71] let us touch upon it, since it is especially helpful in conducting matters of the greatest importance. Therefore, the highest and most accomplished glory consists in three things: whether the multitude esteems you, or finds you trustworthy, or, out of admiration, thinks you worthy of some honor. Now these things, if I must speak simply and succinctly, are procured from the multitude in very nearly the same ways as they are from individuals. But there is an additional approach to the multitude, so that we may, as it were, influence their minds as a whole.

(32) Now of the three I spoke of above, let us first look at precepts on goodwill. This goodwill is secured especially by bestowing favors; but, in the second place, it is aroused by the *will* to be beneficent, even if by chance we should not be equal to the task. But the love of the multitude is ardently stirred by fame itself and by the opinion of liberality, beneficence, justice, trustworthiness, and all those virtues that pertain to a gentleness and affability of customs. For surely it is because the very thing that we said was honorable and proper is pleasing to us in itself, and stirs the spirits of all owing to its own nature and appearance, and, as it were, shines forth from those virtues that I have recounted, surely it is because of this that we are compelled by nature herself to esteem those whom we think possess these virtues.[72] At any rate, these are certainly the weightiest causes for our esteem; there are some others besides of a more trivial sort.

(33) Now being considered trustworthy can be achieved from two things: if we are believed to have attained prudence combined with justice. For we consider those trustworthy whom we think understand more than ourselves, whom we believe can foresee future events, and, when something occurs and has become a crisis, can sort out and resolve the matter according to the circumstances—such is the prudence human beings believe useful and

true.[73] But trust is placed in just human beings—that is to say, good men—because there is no suspicion of fraud or injury about them. And so we quite correctly entrust to them our safety, to them our fortunes, to them our children. **(34)** Of the two, then, justice is better able to establish trust, insofar as it has sufficient authority without prudence, while prudence is entirely incapable of establishing trust without justice. Indeed, remove the opinion of probity, the more clever and cunning someone is, the more hateful and suspicious he becomes. Accordingly, justice combined with understanding will have all the force wanted to establish trust, justice without prudence will still be quite capable, but prudence without justice will be entirely incapable.

(35) But I fear someone may wonder why, although there is agreement among all philosophers, and it has often been so argued by me as well,[74] that he who possesses one virtue possesses them all, why now virtue has been divided, as if someone could be just who was not likewise prudent? Sometimes the truth itself is subtly[75] whittled down in discussion, and sometimes the entire speech conforms to the common opinion. Accordingly, I speak now as the vulgar multitude does, in saying that some are courageous, others good men, still others prudent; for we must employ popular and conventional words when speaking about popular opinion[76]—in the same way Panaetius did.[77]

But let us return to our proposition.

(36) Of those three things, then, that pertain to glory, the third was that, owing to the admiration of other human beings, we are judged worthy of honor by them. Therefore, people commonly admire everything that they believe is great and surpasses their own opinion, but particularly if they perceive in individuals certain good qualities that are not opined. And so they look up to and extoll these men with the greatest of praises, believing they perceive in them certain excellent and singular virtues; but they look down upon and despise those whom they think have no virtue, no spirit, and no nerve. Nor is it that people despise all those of whom they have a bad opinion. For there are those they think wicked, slanderous, deceitful, and given to cause injury whom they certainly do not altogether despise, but of whom they do hold a bad opinion. Accordingly, as I said before, they

despise those who can provide, "neither for themselves nor for another,"[78] as it is said, no labor, no industry, and no care.

(37) But those who inspire admiration are thought to surpass everyone in virtue, and are not only free from all impropriety, but in truth can even resist those vices others easily cannot. On the one hand, pleasures, those most flattering mistresses, deter the spirits of most from virtue; and, on the other, when the flames of pain draw near, the majority of people are terrified beyond measure. Life, death, wealth, poverty—these things most viscerally concern all human beings. So when both these sorts of things are despised by those with a lofty and great spirit, especially when some important and honorable matter presents itself to them, one that turns and seizes their attention completely—who then would not admire in them the splendor and beauty of virtue?[79] **(38)** Therefore, a spirit so indifferent causes great admiration and seems a sort of marvel to the multitude, as does especially justice, the one virtue on account of which men are called "good." Nor undeservedly:[80] for no one can be just who fears death or pain or exile or want, or who prefers their opposites to equity. And above all people admire a person unmoved by money; if this quality has been perceived in a man, they think that he has been tested by fire.

And so justice accomplishes all three of those things that were proposed for fostering glory: goodwill, since it wishes to benefit as many people as possible; trust, owing to the same cause; and admiration, since it spurns and ignores those things by which most people, inflamed with avidity, are captivated.

(39) It is in fact my sentiment that all reasoning about one's life, as well as every arrangement of it, requires the support of other human beings, especially so that we might have others with whom we can converse intimately; but this is difficult unless you convey the appearance of a good man. Therefore, the opinion of justice is necessary even for a human being living a solitary or an agrarian life, nay, all the more so in their case, because if they do not have it,[81] girded with no such protection, they are exposed to many injuries. **(40)** Justice is also necessary in the affairs of those who sell, buy, hire, lease, and in general those involved in business transactions. Such is its force that not even those who feed off wrongdoing

and crime can live without a modicum of justice.[82] For if one member of a gang steals or pilfers something from another member, he forfeits his place even within the gang of robbers. Nay, even the bandit leader, unless he divides the spoils equably, even he will be either killed or abandoned by his allies. There are even said to be laws among robbers that they obey and observe. And so owing to such an equable distribution of spoils, both the Illyrian bandit Bardulis,[83] about whom we read in Theopompus,[84] had great influence, and Viriathus the Lusitanian[85] still greater. Indeed, even our armies and generals withdrew before the latter. It was Gaius Laelius,[86] the one called "Wise," who as praetor broke and crushed him, and so restrained his ferocity that he easily handed the war over to his successors to win.

Since, then, justice is so great a force that it even strengthens and enlarges the influence of robbers, how much greater do we think its force will be among the laws, courts, and in an established commonwealth? **(41)** In fact, it seems to me that formerly, not only among the Medes, as Herodotus notes,[87] but even among our own ancestors, civilized individuals were established as kings so as to promote justice.[88] For since the multitude was initially oppressed by those who had greater influence, they took refuge in some one person conspicuous for virtue; a person who would defend those weaker from injury, and, having established equity, would protect those high and low equally, as is right. And the same cause underlies the establishment of the laws as the kings. **(42)** For what is right must always be sought in what is equable—for otherwise it would not be right. If the people obtained this from one just and good man, they were content; since it rarely occurred, laws were invented that would always speak to everyone with one and the same voice. Therefore, it is quite evident that those who were usually chosen to rule were those who were widely thought to be just in the opinion of the multitude. In truth, if in addition they were also considered prudent individuals, there was nothing that human beings thought they were incapable of obtaining under their authority. For every reason, then, justice must be cultivated and preserved, not only for its own sake—for otherwise it would not be justice—but also for the sake of enhancing our honor and glory.[89]

But as there is not only a reason for seeking money, in truth even for investing it, thus ensuring a continuous supply, not only for necessary, but even for liberal expenditure, so, too, must glory be sought and cultivated within reason. **(43)** Socrates superbly said that the nearest and, as it were, shortest road to glory was to act in such a way that someone *be* the kind of person he wished to be considered.[90] But if there are those who think they may obtain enduring glory for themselves by pretense and empty show and deception, not only in conversation, but even in countenance, they grievously err. True glory takes root and spreads its branches widely; but all deception quickly withers like a flower, and no pretense can last for long. There are a great many witnesses to both these things, but for the sake for brevity, we must be content with one family. So for example, Tiberius Gracchus, the son of Publius, will be praised for as long as the memory of Roman deeds endures; but in life his sons were disapproved of by good people, and in death they rightly number among the slain.[91] Therefore, whoever wishes to secure true glory ought to perform those actions appropriate to justice. What these are I have said in the previous book.

(44) But although there is the greatest force in the argument that we should *be* the sort of people we wish to be considered, nevertheless, certain precepts must be given so that we may most easily *seem* to be the sort of people we are.[92] For example, if someone who has come of age has some cause for renown or a famous name, either received from his father—as I think has happened to you, my dear Cicero—or by some chance or fortune, all eyes are cast on him; what he does, how he lives, are scrutinized; and, as if he were caught under the brightest light, so no word or deed of his can remain obscure. **(45)** Whereas those who from an early age are unknown to other human beings, owing to their unimportance and obscurity, as soon as they become youths, they ought to watch the great deeds of others and strive to equal them with upright[93] pursuits. They can do this with their minds assured because not only will their age not be begrudged, but in truth it will even be preferred. An adolescent, then, is singled out as being worthy of glory if he can in some way gain it from martial affairs. Many youths among our ancestors distinguished themselves in this way; for there were nearly always wars to be waged. But your own generation has stumbled

upon a war in which one side partakes of too much crime and the other too little luck. Nevertheless, in this war when Pompeius[94] placed you in command of the cavalry,[95] you won great praise both from a very great man and from the army for your horsemanship, javelin throwing, and endurance in every military labor. But your deserved praise perished along with the commonwealth. At any rate, this speech that I have undertaken is not about you, but the subject as a whole.

(46) As in other things, since the endeavors of the mind are much greater than those of the body, so, too, are those matters that we pursue through character and reason more gratifying than those through strength. A youth, then, is primarily singled out as being worthy of praise for discretion, next for piety shown to his parents and goodwill to his loved ones.[96] But the easiest and best way for adolescents to become known is to attach themselves to illustrious and wise men who look after the interests of the commonwealth; if they are frequently in the company of such individuals, they will convey the opinion to the people that they will become similar to those whom they have chosen to imitate. **(47)** Frequenting the house of Publius Mucius[97] earned Publius Rutilius[98] as an adolescent the opinion of innocence[99] and of knowing what is right. On the other hand, Lucius Crassus,[100] while still in very early adolescence, did not borrow from another's fame, but acquired the greatest praise for himself from that noble and glorious indictment;[101] and while others at that age were accustomed to eliciting praise for their rhetorical exercises, Lucius Crassus at the same age —as we are also told about Demosthenes[102]—was demonstrating that he could already do quite well in the forum what he would have been praised simply for studying at home.

(48) But as there is a twofold reason for speech, one of which lies in conversation, the other in argumentation, there is certainly no doubt that argumentation[103] has the greater force in acquiring glory; for that is what we call eloquence. Nevertheless, it is difficult to say how much the gentility and affability of conversation unites people's minds. There exist letters from Philip to Alexander[104] and Antipater to Cassander[105] and Antigonus to his son Philip[106]—three of the most prudent people, or so we are told—in which they advise their sons to coax the minds of the multitude to goodwill

with kind speech and cajole their soldiers in conversation with flattering address. But when the argumentative type of speech is made before the multitude, it often arouses widespread glory; for there is great admiration for a person who speaks copiously and wisely, a person whose listeners think him more perceptive and wiser than the rest. In truth, if such a speech exhibits gravity combined with discretion, nothing can be more admirable. And this all the more so if such qualities are exhibited in an adolescent.

(49) But although there are many sorts of occasions that demand eloquence, and there are many adolescents in our commonwealth who have achieved praise in speaking before judges and before the people and before the Senate, the greatest admiration resides in speaking in the law courts. The reason for undertaking the latter is twofold: prosecution and defense. Although defense is the more praiseworthy of the two, nevertheless, prosecution very often must also be approved. I spoke shortly before of Crassus. As an adolescent Marcus Antonius[107] did the same thing. Speaking for the prosecution illustrated the eloquence of Publius Sulpicius,[108] when he summoned to court Gaius Norbanus,[109] a seditious and useless citizen. **(50)** But this must not be done often, never in fact, unless it is either on behalf of the commonwealth, as those of whom I spoke before did, or for the sake of punishment, as the two Luculli did,[110] or patronage, as I did on behalf of the Sicilians,[111] or Julius on behalf of the Sardinians.[112] The industry of Lucius Fufius[113] also became known in his prosecution of Manlius Aquilius.[114] In short, prosecute once, or certainly not often. But if someone routinely must do it, let him attribute it to being a duty to the commonwealth, a routine duty to punish its enemies, which must not be reproached. Nevertheless, let there be a due limit to it; for it seems characteristic of an unfeeling human being, nay, scarcely of a human being at all, to expose so many lives to such danger. And not only is it dangerous for oneself, but it also invites a sordid fame to be labeled a prosecutor; this happened to Marcus Brutus,[115] who was born into a very great family, the son of an individual who was especially skilled in civil law. **(51)** And so this precept on appropriate action must also be carefully maintained, lest you summon to court an innocent person on capital charges; for this cannot be anything but a crime. For what is more inhuman than to convert eloquence

—something given by nature for the well-being and safety of human beings[116]—into a plague and pestilence upon good people? Nevertheless, even though this must be avoided, it must not be considered harmful to religion to sometimes defend an accused person, provided he is not unrighteous or impious. The multitude wishes it; habit permits it; simple humanity tolerates it. It is characteristic of a judge to always pursue the truth in court cases, but of an advocate[117] to sometimes defend something similar to the truth—even if it is less than true. I would not dare write this—especially when writing on philosophy—unless it was not also proposed by that gravest of Stoics, Panaetius. But both glory and gratitude are especially fostered from defending people; and this all the more so, if you should ever happen to assist someone who seems beset upon and oppressed by the influence of a powerful person. I myself have often done this, such as in my defense of Sextus Roscius of Ameria[118] from the influence of Lucius Sulla,[119] while I was still an adolescent and the latter still reigned. As you know, this speech survives.[120]

(52) But having explained the actions appropriate to adolescents that are conducive to obtaining glory, next we must discuss beneficence and liberality. The reason for it is twofold: that we may aid those in need with either kind services or money. The latter is easier, especially for a rich person, but the former is more praiseworthy and noble, as well as more worthy of a courageous and illustrious man. Although a liberal willingness to gratify others exists in both, nevertheless, the one is drawn from a coffer, the other from virtue. And the largesse that is derived from our estate exhausts the very source of such kindness. Thus owing to kindness is kindness destroyed, and the more you use such kindness on people, the less you may use it on them thereafter. **(53)** On the other hand, those who are beneficent and liberal through services, that is, through virtue and diligence, first, since they will benefit more people, consequently, they will have more helpers for doing kind deeds; next, out of a habit of beneficence, they will be more prepared and, as it were, more practiced at earning the gratitude of many. In a certain superb letter, Philip[121] accuses his son Alexander[122] of pursuing the goodwill of the Macedonians through largesse: “What reason led you, wretch,”[123] he said, “to hope that you could think those worthy of

your trust whom you have corrupted with money? Or do you do this so that the Macedonians might hope that you will become not their king, but their attendant and provider?" "Attendant and provider" was well said, as such conduct is sordid for a king. Still better was that largesse "corrupts"; for he who accepts it becomes worse for it, and is all the more ready to expect more of the same. Philip thought this was a precept for his son, but we may for everyone.

(54) Thus there is no doubt that such kindness as consists in services and diligence is more honorable and more widely applicable and can benefit more people. Nevertheless, it is not that we must never be lavish, nor is it that this sort of kindness must be entirely rejected. Often we must share our estate with suitably needy human beings, but carefully and moderately; for many drain their patrimony with reckless lavishment. Moreover, what is more foolish than to ensure that you cannot long do what you would gladly do? And so they follow up their largesse with rapine; for when they themselves have begun to be in need owing to their giving, they are compelled to lay their hands on others' goods.[124] And although they wish to be beneficent for the sake of acquiring goodwill, they do not so much gain the devotion of those to whom they gave as the hatred of those from whom they took. **(55)** Accordingly, our estate must not be so closed that kindness cannot open it, nor so accessible that it is open to all; a due limit ought to be employed, and this in reference to our resources.[125] In sum, we ought to remember that saying that has by now been so thoroughly appropriated by our countrymen[126] as to become proverbial:[127] "The pot of largesse has no bottom."[128] For surely what due limit can there be when both those who are accustomed to it, and others who are not, desire the same thing?

In general there are two kinds of largesse: one that is wasteful, the other, liberal. Wasteful are those who, with their banquets and public distributions of meat[129] and duties to sponsor gladiatorial shows, as well as spectacles of games and hunting, pour forth their money on things for which they are remembered either briefly or not at all. Liberal are those who, with their own resources, either ransom those captured by pirates or assume the debt of their friends or help finance their daughters' marriages or aid them in acquiring[130] or enlarging their property. **(56)** And so I am amazed at what

could have entered Theophrastus's mind[131] in that book of his on wealth,[132] in which, among much that is superb, is found this absurd remark: he thinks there is much to be praised in the magnificent provision for popular duties,[133] and thinks the ability to enjoy wealth lies in such great expense. However, it seems to me that the enjoyment of liberality, of which I offered a few examples, is much greater and more certain. How much more gravely and truly does Aristotle reproach us when we fail to be amazed at these outpourings of money that aim to mollify the multitude! But he adds[134] that if those who are besieged by an enemy are compelled to purchase a pint of water for a mina,[135] at first this seems incredible to us, and everyone is amazed; but when they have considered the matter more closely, necessity pardons it.[136] And yet nothing particularly amazes us about these immense throwaways and boundless expenses, although neither necessity obviates them nor dignity promotes them; meanwhile that very delight of the multitude is arrested for but a brief and insignificant time, a delight befitting only the most fickle person, a person for whom the moment his pleasure is sated, the memory of it dies. **(57)** Aristotle also soundly infers that these things are gratifying for boys and foolish women and slaves and free people similar to slaves, but in truth can in no way be approved of by a serious human being who weighs what happens with resolute judgment.

Still, I understand that it had already long been established in the good times of our political community that a certain splendor was demanded from our best men in their aedileships. And so Publius Crassus,[137] Wealthy (*Dives*) not only in name but also in abundance, discharged his duty as aedile grandly; shortly after, Lucius Crassus,[138] along with Quintus Mucius,[139] the most moderate of all human beings, discharged his aedileship with the utmost magnificence; then, Gaius Claudius,[140] the son of Appius; and still many more thereafter: the Luculli,[141] Hortensius,[142] Silanus.[143] However, Publius Lentulus[144] surpassed everyone who had come before him in the year of my consulship; Scaurus[145] imitated him; but in truth such duties were discharged with the utmost magnificence by my friend Pompeius[146] in his second consulship. You can see what I think of all these things.

(58) Nevertheless, the suspicion of avarice must be avoided.[147] This contributed to Mamercus,[148] a most wealthy human being, being denied the consulship for his having omitted the aedileship. And so we must do it, as I myself did, if it is demanded by the people, and if it is, while not desired, nonetheless approved of by good men, provided only our resources are taken into account; and we must do it if ever something greater or more useful can be acquired, as recently the luncheons Orestes[149] distributed along the roads were in winning him great honor. We must not even ascribe viciousness to Marcus Seius[150] because he gave corn to the people at an as per peck[151] when the market price was high; for he freed himself from a great and inveterate envy by a throwaway neither disgraceful, since he was an aedile, nor very great. But the highest honor was recently bestowed upon my friend Milo,[152] who, on behalf of the commonwealth—which then consisted in my safety—purchased gladiators to crush all the efforts and furies of Publius Clodius.[153]

(59) The cause for largesse, then, is either if it is necessary or useful. However, in these very things, an average standard is best. In fact, Lucius Philippus,[154] the son of Quintus, a man of great character and quite illustrious, was accustomed to boast[155] that, without discharging any such duty, he had obtained everything that was considered most important. Cotta[156] and Curio[157] said the same thing. In this same matter, I, too, may somewhat boast;[158] for in comparison to the breadth of honors I have obtained from *all* the voting tribes—and at the minimum age requirement, something that happened to none of those whom I recently named—the expense of my aedileship was insignificant indeed.

(60) At any rate, these funds are better spent on walls, docks, harbors, aqueducts, and everything that tends to be of use to a commonwealth. Although what is at present—what is at hand, so to speak—is more pleasant, nevertheless, these things are more gratifying to posterity. I am rather ashamed to reproach the building of theaters, porticoes, and new temples on account of Pompeius;[159] but the most learned people disapprove of them, including Panaetius himself, whom I have frequently followed but not expounded in these books;[160] and Demetrius of Phalerum,[161] who

condemned Pericles, preeminent among the Greeks, because he threw so much money into building that superb Propylaea.[162] But this whole subject has been carefully discussed in those books that I wrote *On the Commonwealth*.[163]

The whole reason, then, for such great largesse, an inherently vicious sort, is that it is necessary due to circumstance; and even then, it must be well suited to our resources and moderated by an average standard.

(61) Now as for that other kind of largesse, which proceeds from liberality, we ought not to react the same way in different cases. The case of a person overwhelmed by disaster is one thing; that of a person seeking to improve his affairs, although they are not adverse, is another. **(62)** Kindness ought to be more inclined toward those stricken by disaster, unless by chance they merit disaster. Nevertheless, with those who wish to be helped, not in avoiding ruin, but in order to ascend to a higher position, we ought to be in no way parsimonious, but employ our judgment and care in selecting suitable people. For, as Ennius superbly said,

Good deeds badly arranged I think of as bad deeds.[164]

(63) Moreover, what is bestowed upon a man good and grateful is reaped not only from him, but from others. For provided we avoid temerity, liberality is most gratifying, and most people eagerly praise it, because the goodness of such an excellent person is the common refuge of all. Therefore, we must endeavor to affect as many people as possible by these favors, the memory of which is passed down to their children and descendants, who then, in turn, are permitted no ingratitude. For everyone hates someone who forgets a favor;[165] they think that such a person, in discouraging liberality, also injures himself; and they think that a person who does such a thing is the common enemy of the weak.

Such kindness is also useful to the commonwealth, for example, in ransoming those captured from slavery or in enriching those weaker; in fact, we see that this was usually accustomed to be done by those of our social order,[166] as has been copiously written about in a speech of Crassus.[167] I far prefer this habit of kindness to the largesse of the above duties; the former befits serious and great human beings; the latter, those

who, as it were, flatter the people and, so to speak, titillate with pleasure the fickleness of the multitude.

(64) Moreover, it is agreed that we must be not only munificent in giving, but also clement in exacting our dues, and in every affair of business—in selling, buying, hiring, leasing, in disputes with neighbors and boundary demarcations—we must be equitable and easy, yielding our own right to many things to many people, and in truth abhorring lawsuits as much as is permitted, perhaps even a little more than is permitted. For not only is it liberal sometimes to yield a little in something that is within our right, but now and then also fruitful. Further, we must take into consideration[168] our estate—which it is indeed flagitious to allow to disintegrate—but in such a way that the suspicion of illiberality and avarice is absent; for to be able to use liberality without depriving oneself of one's patrimony is surely the greatest enjoyment of money.

Hospitality also has been correctly praised by Theophrastus.[169] For it is especially proper, or so it seems to me, that the houses of illustrious human beings stand open to illustrious guests—and it is an ornament to our commonwealth that foreigners[170] do not want for this kind of liberality in our city. Moreover, it is also exceedingly useful to those who wish to wield great power[171] honorably to exert influence and gratitude among foreign peoples through their guests. In fact, Theophrastus wrote that Cimon[172] was hospitable in Athens even to the Laciads,[173] the members of his own district; for he established the practice and so ordered[174] his estate managers that everything was to be made available to any Laciad who had turned aside to his villa.

(65) Now as for those favors that are not granted from largesse, these are bestowed now upon the whole commonwealth, now upon individual citizens. For to look out for someone in matters of civil law,[175] to help with counsel, as well as to benefit as many people as possible with this kind of knowledge, strongly tends to enlarge our influence and others' gratitude. And so, among the many superb things about our ancestors, the best was their determining inquiry into and interpretation of the civil law to be worthy of the highest honor. In fact, before the disorder of these times, preeminent people preserved its practice in their possession; now, as with

honors and every position of dignity, so, too, has the splendor of this knowledge been annihilated. And what is all the more unworthy is that it happened at a time when there was someone who was equal to his predecessors in honor, but easily surpassed them in knowledge.[176] These services, then, are gratifying to many and suitable to binding other human beings to us with favors.

(66) Closely related to this art is the ability to speak more seriously and more gratifyingly and more distinctly still; for what is more excellent at winning the admiration of those listening or raising the hope of those in need or gaining the gratitude of those you have defended than eloquence? Consequently, the foremost place[177] of dignity in civic life[178] was given by our ancestors to eloquence. And so opportunities are widely available for the favors and patronage of a skillful speaker and readily industrious human being, one who, as is our native custom, takes on the cases of many graciously and gratis. **(67)** The subject would here prompt me to deplore the neglect of eloquence—I shall not say destruction—if I did not fear to seem to complain on my own account. But we nonetheless see in this extinguishment of orators how much hope exists for but a few, how much ability there is in fewer still, and how much audacity there is in so many more.

And while not all, or even many, can be either experienced in the civil law[179] or a skillful speaker, nevertheless, we can still benefit many people, for example, in soliciting favors for them, commending them to judges and magistrates, being vigilant on their behalf in some affair, or introducing them to the very people who can counsel and defend them. Those who do this obtain the most gratitude and spread their industry most widely. **(68)** Nor must these individuals now be reminded—for it is obvious—to be mindful that in helping some they do not offend others; for they often either provoke those whom they ought not, or they extricate those whom they should not. If they do so imprudently, it befits negligence; if knowingly, it befits temerity. Against those whom you have unwillingly offended, you must use the excuse, insofar as you can, that whatever you did was necessary and you could not have done otherwise; and you must

compensate for what will seem a violation with other services and appropriate actions.

(69) But in helping other human beings, since either their customs or their fortune are usually considered, we are inclined to say—as people usually do—that in bestowing favors we look to the customs of human beings and not their fortune.[180] Such speech is honorable, but, in offering services, pray, who is there who does not prefer the gratitude of someone fortunate and powerful to the cause of a destitute[181] and excellent man? For as a reward seems to follow more quickly and swiftly from the former, we are more inclined to choose him. But we must be cautiously mindful of the nature of things; for surely the one who is destitute, if he is a good man, is still grateful, even if he cannot repay his gratitude. It is aptly said—whoever said it—that he who has money has not repaid it, and he who has repaid it does not have it; but both he who has repaid his gratitude is grateful, and he who is grateful has repaid his gratitude. But those who think themselves rich, honored, and blessed, these people do not even wish to be obliged by a favor; nay, they even think they have granted a favor when they themselves accept something, however great, and become suspicious if anything is demanded or expected from them in return. They truly think that making use of patronage or being called a client is the equivalent of death. **(70)** But in truth when something is done for someone weak, such a person thinks that *he* has been looked to and not his fortune; he is eager to seem grateful, not only to the individual who merits it, but even to those from whom he can expect something; for he is in need of much.[182] In truth, he does not exaggerate his own duty, if by chance he discharges it, but he even deprecates it. And consider that if you defend someone affluent and fortunate, gratitude resides with him alone, or, perhaps, with his children; but if he is someone destitute but nonetheless honest and modest, all humble but honest people—of which there is a great multitude among the people—see you as a means of protection provided for them.

(71) And so I think that it is better to bestow a favor upon good rather than fortunate people. In sum, services must be offered in such a way that we can satisfy every sort; but if the matter becomes contentious, surely Themistocles must be summoned as an authority. When someone asked him

whether he would rather marry his daughter to a good yet poor man or to a less-than-commendable yet wealthy one, he replied: "I truly prefer a man who is in need of money to money which is in need of a man." But our customs have become corrupted and depraved by an admiration for wealth. How does the magnitude of a person's wealth concern each of us? Perhaps it helps him who has it. It does not *always* help, but grant that it does. Yes, he has more to use,[183] but in truth how is he more honorable? And if he is also a good man, wealth does not prevent him from being helped, provided it is not the motive for it. In short, our entire judgment is not how rich but what sort of person each one is.

Finally, the last precept in bestowing favors and services is to strive for nothing inequitable, nothing injurious; for justice is fundamental to everlasting acclaim and praise, without which nothing can be praiseworthy.

(72) But since we have spoken about the sort of favors that look to individuals, next we must discuss those that pertain to everyone and to the commonwealth. Moreover, some of these are of a sort that pertains to the whole citizenry, while others affect individuals, the latter of which elicit more gratitude. To be sure, if possible we must endeavor to do both; if not, we ought to look after the interests of individuals, but in such a way that the endeavor either benefits or at least does not hurt the commonwealth. For example, the grain distribution of Gaius Gracchus[184] was a great largesse, and therefore exhausted the treasury; the modest distribution of Marcus Octavius[185] was tolerable to the commonwealth and necessary for the plebeians,[186] and so salutary to both citizens and commonwealth.

(73) Moreover, he who will administer a commonwealth must especially see to it that each person keeps what is his and that no public confiscation of private goods occurs. For example, Philippus[187] acted perniciously when he introduced an agrarian law in his tribunate—which he nonetheless readily permitted to be rejected, and so showed himself to be quite moderate—but in addition to the many populist things he advanced in his speech[188] was the ill claim that there were not two thousand human beings in our political community who had anything. Such speech is a capital offense, pertaining as it does to the equal distribution of goods! What greater destruction can there be? For it is especially owing to this cause—

that people may keep what is theirs—that commonwealths and political communities were established. Although human beings were gathered together under the guidance of nature, nevertheless, it was in the hope of defending their own property that they sought the protection of cities.[189]

(74) We must also endeavor to avoid levying a tax on property, as occurred among our ancestors owing to the scarcity of funds and the constancy of wars. Much provision must be made in advance to prevent this from happening. But if the necessity of this duty should fall to some commonwealth—I prefer to speak so than to prognosticate about our own, and, at any rate, I am not discussing our own but every commonwealth—we must endeavor that all understand that if they wish to be safe, they must submit to the necessity. Additionally, all who administer a commonwealth ought to ensure that there is an abundance of those things that are necessary for sustenance. As preparation of these things usually does and ought to occur, it is unnecessary to discuss them; the subject is obvious and need only be touched upon.

(75) Now the chief thing in the administration of all public business and duty is to banish even the least suspicion of avarice. "Would that fortune," said Gaius Pontius the Samnite,[190] "had reserved me and my birth for a time when the Romans had begun to accept bribes. I would then not have endured their rule much longer." And he really would have had to wait for many generations; for this ill has only now invaded our commonwealth. And so I can easily endure Pontius to have lived then, if only because he was indeed a mighty individual! Not 110 years have passed since a law on extortion was carried by Lucius Piso;[191] previously there had been no such law. But in truth thereafter came so many laws, each one harsher than the last, so many defendants, so many convictions, so great a war owing to the fear of such court cases,[192] so much pillaging and plundering of our allies when the laws and courts were overturned, that we now prevail owing to the weakness of others, not our own virtue. **(76)** Panaetius praises Africanus[193] because he abstained from such things. Why not praise him? But there were still other, greater things about him. Thus his praise of abstinence is not only for such a human being, but also for such times.[194] Paullus[195] acquired the entire treasury of the Macedonians, a very large

sum; he deposited so much money into our own treasury that the spoils of a single general brought an end to property taxes. But Paullus brought nothing into his own house except the eternal memory of his name. Africanus imitated his father by becoming in no way richer from the destruction of Carthage. Again, did his colleague in the censorship, Lucius Mummius,[196] become any more prosperous when he razed that most prosperous city to the ground? He preferred to adorn Italy rather than his own house; and yet in adorning Italy, it seems to me that he adorned his house all the more.

(77) No vice, then, is more offensive, to return to the point from whence my speech digressed, than avarice, especially in preeminent people and those who govern a commonwealth; for to consider a commonwealth a means to acquisition is not only disgraceful, but even criminal and unrighteous. And so the prophecy the Pythian Apollo uttered—that Sparta would perish by nothing other than avarice—seems to have been a prediction for not only the Lacedaemonians, but all affluent peoples. Moreover, in no other way can those who preside over a commonwealth gain the goodwill of the multitude than through abstinence and restraint.

(78) In truth, those who wish to attach themselves to the multitude,[197] and, to this end, attempt either agrarian legislation, which results in owners being driven from their own homes, or think that money lent to debtors ought to be forgiven, these people undermine what is fundamental to a commonwealth: first, concord, which is not possible when, in remitting the debt of some, you steal the money of others; next, equity, which is utterly destroyed if one is not permitted to have what is his. For it is characteristic of a political community as well as a city, as I said above, that each person controls his own property unimpeded and undisturbed.[198] **(79)** At any rate, in unleashing this disaster upon the commonwealth, these people do not even obtain the gratitude they think they will obtain. For the person whose property was taken becomes his enemy, while the person to whom it was given actually dissembles his wish to take it, and especially hides his joy at his debts being forgiven, lest he should seem to have been insolvent. But in truth the person who receives an injury both remembers it and parades his pain before him. And even if those to whom the property was wickedly

given are more numerous than those from whom it was unjustly taken, it does not follow that they are more likely to prevail; for these things are decided not by numbers but by weight. Further, how equitable is it for someone who has never possessed land that another has owned for many years, or even generations, to have it; or for someone who has had it, to be driven from it?

(80) It was on account of this sort of injury that the Lacedaemonians expelled the ephor Lysander[199] and killed King Agis,[200] the latter of which had never happened among them. From that time on there followed such great discord that tyrants appeared and the adherents of the best people were banished and a most superbly constituted commonwealth disintegrated. It truly did not fall alone, but also overturned the rest of Greece from the contagion of its ills; ills that, once fully developed within the Lacedaemonians, spread quite widely. Again, did not our own Gracchi, the sons of a very great man, Tiberius Gracchus,[201] the nephews of Africanus,[202] did they not perish in the agrarian struggles?

(81) But in truth Aratus of Sicyon[203] is rightly praised. When his political community had been held by tyrants for fifty years, he set out from Argos to Sicyon, secretly entered the city, and seized it. Once he had unexpectedly overthrown the tyrant Nicocles,[204] he recalled some six hundred exiles, who had been the richest people of that political community, and, with his arrival, freed the commonwealth. But then he noticed a great difficulty with respect to goods and possessions. On the one hand, he thought it most inequitable that those whom he had recalled wanted for their goods, which others now owned; on the other, he thought it quite inequitable simply to hand over things that had been possessed for fifty years, because over so long an interval, many were now held without injury by heredity, many by purchase, many by dowry. He judged that the latter ought not to be deprived of them, nor the former, whose goods they had been, lack compensation. **(82)** Therefore, since he had decided that what was needed to accomplish this very thing was money, he said that he wished to set out to Alexandria, and ordered the entire matter to be postponed until this return. He quickly came to his host Ptolemy,[205] who then ruled, the second of his line since the founding of Alexandria. When he had explained to Ptolemy that he wished

to free his fatherland and had shown cause, this very great man easily procured from the affluent king an assurance that he would be assisted with a great sum of money. After he had brought it to Sicyon, he summoned fifteen preeminent people to him for counsel. From these people he came to know the causes for why some held others' property and others had lost their own. Having assessed the value of their possessions, he succeeded in persuading some to prefer to accept money and cede their possessions, others to think it more advantageous to be paid a given sum rather than recover their own. Thus the matter was concluded such that, with concord established, all departed without quarrel. **(83)** A great man and one worthy to have been born in our commonwealth! Such conduct is fitting with citizens, not, as we have already seen twice, erecting an auction spear in the forum and subjecting the goods of citizens to the cry of an auctioneer.[206] But this Greek, as a wise and excellent man, thought he ought to look to the interests of everyone; and it befits the highest reasoning and wisdom of a good citizen not to wrest from citizens their advantages, but for all to be sheltered under the same equity.

"Let them dwell in another's house gratis."[207]

"But why? So that when I have bought, built, repaired, and expended upon it—you may enjoy it against my will? What is that but to take from some what is theirs, and to give to others what is another's? **(84)** In truth, does the erasure of debt consist of any other argument than *you* purchase an estate with my money, *you* keep it, *I* lose my money?"

And so provision must be made lest there is debt that is harmful to a commonwealth; but if there is, do not allow the rich to destroy their property, nor debtors to acquire another's. For nothing more vigorously preserves a commonwealth than good faith, which in turn cannot exist without the necessity of repaying debts. Never was action more vigorously taken to prevent repayment than in my consulship.[208] With arms and encampments the matter was attempted by human beings of every sort and social order;[209] these I so resisted that this entire ill was purged from our commonwealth. Never was the debt greater and never was it better or more easily discharged; for with the hope of defraud destroyed, the necessity of repayment ensued. But in truth this individual,[210] now victorious, then

vanquished,[211] now has completed plans that then were of interest, although they are no longer of interest to him. Such was his lust for transgression that the act of transgression itself delighted him, even if there was no cause for it.[212]

(85) Those who will protect the commonwealth will avoid this sort of largesse, which gives to some what it takes from others; and they will especially endeavor for each person to keep what is his through the equity of the civil law[213] and the courts; and they will allow neither the weak to be oppressed owing to their insignificance, nor the rich to be prevented from keeping or recovering what is theirs owing to envy; and, in addition, let them advance the commonwealth however they can, either in war or at home, by rule, land, or revenue. These are the tasks of great human beings, these the practices of our ancestors, these the kinds of actions appropriate to those who pursue and obtain a gratitude and glory considerable for themselves and of the highest utility to the commonwealth.

(86) Now with respect to these precepts on utility, Antipater of Tyre,[214] the Stoic who recently died in Athens, supposed two things to have been omitted by Panaetius: care for health and money. I think these matters were omitted by this highest of philosophers because they are easy: clearly they are useful. But health is sustained by acquaintance with one's own body; by observance of what things usually either benefit or hurt; by restraint in all sustenance and cultivation;[215] by omitting pleasures so as to protect one's body; and, finally, by the art of those to whose knowledge these things pertain. **(87)** Our estate, however, ought to be sought from such things as lack disgrace; and maintained, moreover, by diligence and parsimony, as well as augmented by the same. Xenophon the Socratic[216] has explained these matters most advantageously in his book entitled *Oeconomicus*, which I translated from Greek into Latin when I was about the same age as you are now. But this entire subject—seeking money, investing it, I wish I could say using it—is still more advantageously discussed by certain excellent men who sit at the central gate of Janus[217] than by any philosophers from any school. Nevertheless, these things must be inquired into; for they pertain to utility, which this book has discussed.

(88) But comparison between utilities, the fourth subject that was omitted by Panaetius, is often necessary. For the advantages of the body are usually compared with external ones, external ones with those of the body, those of the body with each other, and external ones with each other. Those of the body are usually compared with external ones in this way: you would prefer to be healthy rather than wealthy; external ones with those of the body in this way: you would rather be wealthy than have the greatest bodily strength; those of the body with each other thus: good health would be preferable to pleasure,[218] strength to speed; and, further, between external goods, glory to wealth,[219] urbane revenue to rustic. **(89)** The example of Cato the Elder[220] is applicable to this sort of comparison. When asked[221] by someone what was most profitable for one's estate, he replied: "Good grazing."

"What is the second?"

"Fairly good grazing."

"What is the third?"

"Bad grazing."

"What is the fourth?"

"Plowing."

And when the person who had asked then said: "What about usury?"

Cato answered: "What about murder?"[222]

From this example and many others, we ought to perceive that comparisons between utilities usually occur, and that this fourth subject is correctly added to our search into appropriate actions.

Let us now press on to what remains.

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[1] See Cicero, *On the Nature of the Gods* 1.8.

[2] Viz., Gaius Julius Caesar.

[3] Among others, Gnaeus Pompeius Magnus in 48 BC and Marcus Porcius Cato Uticensis in 46 BC.

[4] See 1.67.

[5] See 1.123.

[6] See the first section of the introduction in this volume.

[7] See Cicero, *Tusculan Disputations* 5.9.

[8] See Xenophon, *Memorabilia* 4.6.7; Aristotle, *Nicomachean Ethics* 1141b; *Metaphysics* 1025b5–7. See also Diogenes Laertius, *Lives of Eminent Philosophers* 3.63.

[9] Latin: *rerum divinarum et humanarum causarumque quibus eae res continentur scientia*. Literally: "knowledge of things divine and human, as well as of the causes by which those things are held together." Compare this definition of wisdom with the Stoic one given in 1.153. See also the glossary entry "wisdom."

[10] See 1.13.

[11] Cicero alludes to his lost *Hortensius*, composed in 45 BC. It was Cicero's *Hortensius* above all that aroused Augustine's longing for philosophy. See Augustine, *Confessions* 3.4.

[12] Latin: *quaerentibus*. Literally: "searching into" or "seeking." See the note under 3.56.

[13] Latin: *mens*. See the note under 1.105.

[14] E.g., the Peripatetics, Stoics, and Epicureans.

[15] See 3.20 and 3.34.

[16] Originally written in 45 BC in two books, of which the second survives, then rewritten the same year in four books, of which only part of the first survives, Cicero's *Academics* is a dialogue on the theory of knowledge. The second book of the first edition, often called the *Lucullus* after one of its primary speakers, discusses the theory of knowledge according to Stoicism and then argues against the Stoic position from the point of view of Academic skepticism. For a similar reply to critics of Academic skepticism, see *On the Nature of the Gods* 1.6, 1.11–12.

[17] For Cratippus of Pergamum, see the note under 1.1.

[18] E.g., Aristotle and Theophrastus.

[19] See 3.5 and 3.81.

[20] Latin: *In quo verbo lapsa consuetudo deflexit de via*, *sensimque eo deducta est*. Literally: "Habit has lapsed in this word, straying from the path, and has gradually been led to this."

[21] This passage has caused scholars and readers alike trouble. Admittedly, it is not well written. The three groupings are most likely those listed above in 2.9: one that pertains to "propriety and honorableness," one to "things advantageous for life—to abundance, influence, resources," and one to "some criteria for choosing, if ever these things . . . should seem to conflict with each other"; in other words, to the honorable, the useful, and the possible conflict between the two.

The solution to the passage seems to be the phrase "distinguish in thought." Certain philosophers believed it helpful to distinguish between the honorable, the useful, and their possible conflict, so as to raise questions such as "What is honorable?" "What is useful?" "Do they ever conflict?" and, if so, "Does the honorable take precedence over the useful, or the useful over the honorable?" Such distinctions are helpful for them "in thought," that is, in thinking through these questions. The Stoics alone answered them with a syllogism such as "Whatever is just is also useful; and, likewise, whatever is honorable is likewise just; consequently, whatever is honorable is likewise useful."

[22] Viz., the Stoics. See 1.6, 3.11, 3.20, 3.33, 3.35.

[23] See 1.33, 1.63, 3.71, 3.113.

[24] Latin: *inanima*. Literally: "soulless," "spiritless," or "mindless." See the glossary entry "spirit."

[25] See Plato, *Republic* 379b.

[26] See 2.16.

[27] A verse from a lost tragedy, perhaps Accius's *Prometheus*.

[28] I have translated the alternative reading *subveniri* (*iis potuisset* being understood), "to be assisted," and so "to be repaired," rather than Winterbottom's *subvenire*, "to assist."

[29] Latin: *Nam et qui principes inveniendi fuerunt, quem ex quaque belua usum habere possemus, homines certe fuerunt*. As *princeps* can mean both "first" and "preeminent," an alternative reading would be "For those preeminent beings who discovered what use we could derive from each beast were certainly human beings."

[30] For the use of *victus* and *cultus*, here and below, see the glossary entries "sustenance" and "cultivation," respectively.

[31] Latin: *iuris aequa discriptio*. Literally: "an equitable apportionment with respect to what is right," and so fairness or "equity." For a similar use, see 1.88.

[32] For Pericles, see the note under 1.109.

[33] Cyrus the Great (early 6th century–ca. 529 BC) was the founder of the Persian Empire. He ruled an empire that stretched from Asia Minor to Babylonia, and is said to have administered it with wisdom and tolerance. To the Greeks he was a model of the upright ruler. Xenophon memorialized him in his *Education of Cyrus*, a book Cicero knew well.

[34] Agesilaus II (444–360 BC) was a Spartan king who ascended to the throne in 399 BC. He was successful in battle against the Persians and Boeotians until finally being defeated by Epaminondas at the battle of Leuctra in 371 BC. His friend Xenophon memorialized him in his *Agesilaus*.

[35] For Alexander the Great, see the note under 1.90.

[36] Dicaearchus of Messana (ca. 326–296 BC) was a pupil of Aristotle and a Peripatetic philosopher. He wrote on all manner of subjects, including a dialogue on the corporal nature and mortality of the soul. Only fragments of his works survive. Cicero greatly admired him. See Cicero, *Tusculan Disputations* 1.77; *Letters to Atticus* 2.2.6, 13.31.

[37] Latin: *quaedam hominum genera*. Literally: "certain races of human beings."

[38] See Aristotle, *Politics* 1253a31ff.; Lucretius, *On the Nature of Things* 5.999–1010.

[39] See Plato, *Fourth Letter* 321b–c.

[40] See 1.115 and 1.120. See also Machiavelli, *The Prince*, chap. 25, where Machiavelli also emphasizes the importance of fortune, but introduces his new modern precept to conquer it.

[41] Viz., the armies of Gnaeus Pompeius Magnus at Pharsalus in 48 BC, of Quintus Caecilius Metellus Scipio at Thapsus in 46 BC, and of Gnaeus and Sextus Pompeius at Munda in 45 BC—all destroyed by Gaius Julius Caesar.

[42] Viz., Gnaeus Pompeius Magnus.

[43] E.g., Cicero himself, exiled from 58 to 57 BC.

[44] Latin: *homines populares*. Literally: "[certain] human beings attached to the multitude."

[45] The remainder of section 2.22 is usually thought by scholars to be an interpolation, since it pedantically restates what has recently been said. See Dyck, *A Commentary on Cicero, De officiis*, 387–90. The passage in question: "Moreover, human beings also submit themselves to the rule and power of another owing to a great many causes: for they are induced either by goodwill or the sheer number of favors; or by the superiority of another's position; or by the hope for something that will be useful to them; or out of fear, lest they are compelled to obey by force; or, captivated by promises, by the hope for some largesse; or, finally, as we often see in our own commonwealth, they sell themselves for recompense."

[46] See Machiavelli, *The Prince*, chap. 17, where Machiavelli prescribes that it is better to be feared than loved: "And men have less hesitation to offend one who makes himself loved than one who makes himself feared; for love is held by a chain of obligation, which, because men are wicked, is

broken at every opportunity for their own utility, but fear is held by a dread of punishment that never forsakes you." Machiavelli, *The Prince*, trans. Mansfield.

See also Hobbes, *Leviathan*, chaps. 15 and 17, where Hobbes similarly states that without fear of punishment, men would break the laws or their covenants for their own utility.

[47] A verse believed to be from Ennius's *Thyestes*.

[48] Viz., Gaius Julius Caesar.

[49] Latin: *imperio*. Literally: "owing to their rule."

[50] Latin: *occultis de honore suffragiis*. Literally: "from hidden votes concerning honor," i.e., elections to public office.

[51] See Plato, *Republic* 578a, 579e; Xenophon, *Hiero* 6.14–15.

[52] Dionysius I (ca. 430–367 BC), also called Dionysius the Elder, was the tyrant of Syracuse. Under his rule Syracuse prospered and extended its control over the whole of Sicily and southern Italy.

[53] See Cicero, *Tusculan Disputations* 5.57ff.

[54] Alexander of Pherae (ca. early 4th century–358 BC) was the tyrant of Pherae in Thessaly. He married Thebe, the daughter of his predecessor, Jason. Assisted by her three brothers, she killed him in 358 BC.

[55] Latin: *arculas muliebres*. Literally: "her womanly drawers."

[56] Phalaris (ca. 570–554 BC) was the tyrant of Acragas. He was legendary for his cruelty, including his infamous "Bull of Phalaris," which involved roasting his victims alive in a large, hollow bronze bull.

[57] Viz., Gaius Julius Caesar.

[58] Demetrius Poliorcetes (336–283 BC) was the king of Macedonia. He attempted to reconquer the empire won by Alexander the Great. Despite some early successes, his countrymen wanted peace, not war, and so abandoned him for Lysimachus and Pyrrhus when they simultaneously invaded Macedonia in 288 BC.

[59] For Pyrrhus, see the note under 1.38.

[60] For the battle of Leuctra, see the note under 1.61.

[61] Some scholars have read this passage as an idealization of Rome's imperial past; however, there is no reason to read it as such. Cicero explicitly states that wars were generally fought, at best, on behalf of Rome's allies, and at worst, *over rule*; they were terminated, at best, with clemency, and at worst, *according to necessity*. There is nothing inherently wrong with struggling over rule, if war is an inevitable part of the human condition, as Cicero and most classical political philosophers thought it was. Nor is there anything inherently wrong with concluding it as necessity demands, if there are inevitably circumstances in which war cannot be waged with clemency.

For both of these considerations, see 1.38. For similar opinions about Rome's early magnanimous conduct, see Sallust, *Catilina's War* 9.5; Livy 22.13.11; Tacitus, *Annals* 11.24.4. Finally, for the consideration that *no* political community can behave in an entirely magnanimous manner, Rome being no exception, see Cicero, *On the Commonwealth*, books 2 and 3.

[62] For Lucius Cornelius Sulla Felix, see the note under 1.43.

[63] See 2.83. After Lucius Cornelius Sulla Felix marched on Rome and took the city by force in 83 BC, he published a series of proscription lists. These lists legally authorized private citizens to murder anyone placed on them; the state would then confiscate the murdered men's property and sell it at public auction. The "honorable cause" was the restitution of the Roman commonwealth.

[64] Viz., Gaius Julius Caesar.

[65] Latin: *uno calamitatis iure*. The translation of this phrase is a bit uncertain, and different editors have interpreted it in different ways. Dyck maintains that *ius* here broadly means "condition" or

"status," and so would refer to the effect Gaius Julius Caesar's conquests had on the provinces and regions around the Mediterranean. However, I have translated it in keeping with the conceptual meaning of *ius* as "right," and so with respect to why Caesar believed he *could* engage in such conquest. See Dyck, *A Commentary on Cicero, De officiis*, 404.

[66] The city of Massilia, modern Marseille, in southern Gaul had chosen the side of Gnaeus Pompeius Magnus and the Roman commonwealth after Gaius Julius Caesar initiated the Civil War. Caesar besieged and captured it in 49 BC, later incorporating its capture into his triumphal procession celebrating his conquest of Gaul in 46 BC. See Caesar, *Commentaries on the Civil War* 1.34–36, 1.56–58, 2.1–16, 2.22.

[67] Viz., Gaius Julius Caesar.

[68] Publius Cornelius Sulla (ca. early 1st century–ca. 45 BC) was a relative of Lucius Cornelius Sulla Felix, who profited from the latter's proscriptions. He became consul in 65 BC, but was convicted of bribery. Cicero would defend him in 62 BC against charges of being involved in the so-called first Catilinarian conspiracy, leading to his acquittal. He later joined with Gaius Julius Caesar in the Civil War and prospered politically and financially. See Cicero, *For Sulla*.

[69] Nothing more is known of Cornelius Sulla the ex-slave than what is recounted here.

[70] Cicero wrote *Laelius de Amicitia*, or *On Friendship*, in 44 BC for his close friend Titus Pomponius Atticus. It is a dialogue between Gaius Laelius Sapiens and his two sons-in-law on the nature of friendship.

[71] Cicero is referring to his lost dialogue *De Gloria*, or *On Glory*, written in 44 BC.

[72] See Cicero, *On Friendship* 50.

[73] See 1.153. See also Xenophon, *Education of Cyrus* 1.6.21.

[74] See 3.13. See also Cicero, *Academics* 1.38; *On Ends* 5.66; *Tusculan Disputations* 3.14ff.

[75] I have translated the alternative reading *subtili*, "subtly," rather than Winterbottom's *subtilitas*, "something subtle."

[76] See Cicero, *On the Laws* 1.19. See also the following statement made in *Tusculan Disputations* 5.10–11: "But it was Socrates who first called down philosophy from the heavens and placed it in the cities, even introduced it into homes, and compelled it to search into life and customs, as well as good and bad things. His versatile reasoning in discussion, the variety of the things he discussed, and the greatness of his character, immortalized by the memory and writings of Plato, engendered a great many different sorts of philosophers. I myself have chiefly followed one such sort, thinking it the one Socrates used; one that allows me to conceal my own sentiment, relieve others from error, and, in every discussion, seek what is most similar to the truth."

[77] See Cicero, *On Ends* 4.78–79.

[78] The phrase was a proverbial expression for helplessness. For its positive counterpart, see Plautus, *The Braggart Soldier* 684.

[79] Winterbottom suspects some part of this sentence is missing or corrupt. I have therefore altered its sense slightly to make it intelligible. The meaning remains the same.

[80] Latin: *nec iniuria*. Literally: "nor with injury."

[81] The qualification "being considered unjust," which follows this clause, is considered by scholars to be an interpolation because it is redundant.

[82] See Plato, *Republic* 351c.

[83] Bardulis (ca. 448–358 BC) founded a kingdom in Illyria. He aggressively made inroads on the seas, against the Molossians in Epirus, and against Macedonia. He was defeated by Philip II of Macedonia in 358 BC.

[84] Theopompus of Chios (fl. 4th century BC) was a pupil of Isocrates and a Greek historian. He continued the history of Thucydides from 411 down to 394 BC, and wrote a history of the reign of Philip II of Macedonia. Only fragments of his numerous works survive.

[85] Viriathus (early 2nd century–139 BC) was a Lusitanian shepherd who for a time successfully led his people in resistance to Roman imperialism. Gaius Laelius Sapiens waged a successful campaign against him in 145 BC. His defeat by Quintus Fabius Maximus Servilianus in 140 BC led to a treaty with Rome, but the Senate denounced it a year later, and he was assassinated by Quintus Servilianus Caepio. He remains a national hero in Portugal. See Cicero, *Brutus* 84.

[86] For Gaius Laelius Sapiens, see the note under 1.90.

[87] See Herodotus, *Histories* 1.96ff.

[88] Latin: *iustitiae fruendae causa*. Literally: "for the sake of enjoying justice." In other words, so that people en masse might enjoy the benefits of justice.

[89] See Plato, *Republic* 357d–358a.

[90] See Xenophon, *Memorabilia* 2.6.39.

[91] For Tiberius Sempronius Gracchus Major, and his sons, Tiberius Sempronius Gracchus and Gaius Sempronius Gracchus, see the note under 1.76.

[92] Another way of translating this clause would be "so that we are most easily *seen* to be the sort of people we are." The emphasis in either case is on the necessity of seeming to be a just man. It is not enough simply to be a just man.

[93] Latin: *rectis*. See the note under 1.8.

[94] Viz., Gnaeus Pompeius Magnus.

[95] The qualification *alteri*, "the other," added here to *alae*, the division of the Roman army made up primarily of "cavalry," is an interpolation. No other legion has been named.

[96] Latin: *suos*. See the note under 1.9.

[97] Publius Mucius Scaevola (fl. 2nd century BC) was a Roman jurist and statesman. He was consul in 133 BC and *pontifex maximus*, or chief priest, from 130 BC until his death. An enemy of Publius Cornelius Scipio Africanus Aemilianus, he served as an adviser to Tiberius Sempronius Gracchus. Although he refused to use violence against Gracchus, he later defended his assassination by Publius Cornelius Scipio Nasica Serapio.

[98] Publius Rutilius Rufus (late 2nd–early 1st century BC) was a Roman statesman. He studied Stoic philosophy under Panaetius and adopted its terse style of oratory. He was consul in 105 BC. Later he was unjustly condemned for extortion in 92 BC and exiled. Cicero declares Rufus to have related to him the conversation that takes place in his *On the Commonwealth*. See Cicero, *On the Commonwealth* 1.13.

[99] Latin: *innocentiae*. Literally: "harmlessness." See 2.33: "But trust is placed in just human beings, that is to say, good men, because there is no suspicion of fraud or injury about them."

[100] Viz., Lucius Licinius Crassus.

[101] Crassus made his first public speech in 119 BC at the age of twenty-one, indicting Gaius Papirius Carbo on murder charges.

[102] For Demosthenes, see the note under 1.4.

[103] The qualification "speech" inserted after "argumentation" is probably an interpolation. *Contentio* is a technical term and needs no further specification.

[104] For Philip II of Macedonia, see the note under 1.90. For Alexander the Great, see the note under 1.90.

[105] Antipater (397–319 BC) was a Macedonian general. As a lieutenant of Philip II of Macedonia, he helped negotiate a peace between Macedonia and Athens in 347–346 BC. After Philip's death, he

governed Macedonia in Alexander's absence while the latter campaigned in the East.

Cassander (ca. 358–297 BC) was the son of Antipater. He accompanied Alexander on his campaigns. Upon his father's death, he succeeded him as ruler of Macedonia.

106 Antigonus (ca. 382–301 BC) was one of the generals of Alexander the Great. After Alexander's death, he ceaselessly but unsuccessfully attempted to reunite Alexander's empire. He was defeated and killed at the battle of Ipsus in 301 BC.

Philip (late 3rd–early 2nd century BC) was the son of Antigonus. Almost nothing is known of him.

107 Marcus Antonius Orator (late 2nd century–87 BC) was a Roman orator and statesman. He was consul in 99 BC and censor in 97 BC. Along with Lucius Licinius Crassus, he was one of the leading orators of his day. He defended Gaius Norbanus in 95 BC and was killed after Gaius Marius's return to Rome in 87 BC. Cicero admired him and made him a primary character in his *On the Orator*.

108 Publius Sulpicius Rufus (late 2nd–early 1st century BC) was a Roman orator and statesman. He studied oratory under Lucius Licinius Crassus and in 95 BC prosecuted Gaius Norbanus. As tribune of the plebs in 88 BC, he attempted to secure the fair distribution of the enfranchised Italians throughout the voting tribes. When opposed, he allied himself with Gaius Marius and was later killed when Marius's enemy, Lucius Cornelius Sulla Felix, marched on Rome. He appears as a minor character in Cicero's *On the Orator*.

109 Gaius Norbanus (late 2nd–early 1st century BC) was a Roman statesman. He was a *popularis* and became tribune of the plebs in 103 BC. In 95 BC he was prosecuted for treason by Publius Sulpicius Rufus, defended by Marcus Antonius Orator, and acquitted. Afterward he became praetor in 91 BC and consul in 83 BC. During the civil war between Lucius Cornelius Sulla Felix and Gaius Marius, he was defeated by Sulla and fled to Rhodes, where he committed suicide.

110 For Lucius Licinius Lucullus, see the note under 1.140.

Marcus Licinius Lucullus (fl. 1st century BC) was a Roman statesman. He held the aedileship jointly with his older brother in 79 BC, was a praetor in 76 BC, and consul in 73 BC.

111 For Cicero's prosecution of Gaius Verres on behalf of the Sicilians in 70 BC, see the first section of the introduction in this volume.

112 For Gaius Julius Caesar Strabo Vopiscus, see the note under 1.108.

113 Lucius Fufius (late 2nd–early 1st century BC) was a Roman orator. He unsuccessfully prosecuted Manius Aequilius in 98 BC. Cicero considered him a mediocre orator. See Cicero, *Brutus* 222.

114 Manlius Aquilius (late 2nd century–88 BC) was a Roman general and statesman. He served as a legate to Gaius Marius against the Cimbri and later as his colleague in the consulship in 101 BC. In 98 BC he was prosecuted by Lucius Fufius, defended by Marius and Marcus Antonius Orator, and acquitted. Later he headed a mission to Asia, in which he was captured and killed by Mithridates.

115 Marcus Junius Brutus (late 2nd–early 1st century BC) was a Roman orator. The son of a famous jurist, he acquired a notorious reputation for being an enthusiastic prosecutor. See Cicero, *Brutus* 130.

116 See Cicero, *On Invention* 1.2–3.

117 Latin: *patroni*. Literally: "patron."

118 Sextus Roscius of Ameria (fl. 1st century BC) was a Roman citizen. In 80 BC he was tried for patricide, but was successfully defended by Cicero.

119 Viz., Lucius Cornelius Sulla Felix.

120 See Cicero, *For Roscius of Ameria*. See also the first section of the introduction in this volume.

121 For Philip II of Macedonia, see the note under 1.90.

122 For Alexander the Great, see the note under 1.90.

123 Latin: *malum*. Literally: a "bad person."

124 See 1.43.

[125] See Aristotle, *Nicomachean Ethics* 1120b7.

[126] Latin: *nostris hominibus*. See the note under 1.1.

[127] Latin: *in proverbii consuetudinem*. Literally: "a habit of saying" or "habitual saying," and so a "proverb."

[128] Latin: *largitionem fundum non habere*. Literally: "largesse has no bottom." However, *fundus* can mean both a piece of land or estate, and the bottom of something—e.g., a cup or pot. Thus it is a clever word choice given what just has been said about estates. See also Aristotle, *Politics* 1320a.

[129] Latin: *viscerationibus*. Literally: "public distributions of flesh." A *visceratio* was a communal sacrificial feast at which the flesh of the sacrificed animal was shared with all those present.

[130] Latin: *quaerenda*. Literally: "in seeking things." See the note under 3.56.

[131] Latin: *in mentem*. See the note under 1.105.

[132] For Theophratus, see the note under 1.3. His book on wealth has not survived.

[133] The aedileship carried the duty of maintaining or erecting public buildings, and regulating or sponsoring public feasts and games. Many aspiring politicians used the aedileship as an opportunity to acquire popular goodwill in their ascent up the *cursus honorum*, or "path of honors." Such goodwill would later repay in votes for their election to the praetorship and consulship. It is the excessive and unbeneficial expense in these popular duties that Cicero censures as wasteful largesse. However, Cicero was quite critical of the games as such. See Cicero, *For Archias* 13; *Letters to Friends* 7.1.2–3.

[134] I have modified Walsh's substitution of *Adicit*, "He adds," for the corrupt *At ii*, "But they." Whereas Walsh drops the conjunction *at*, "but," I retain it, so that the phrase reads: *At adicit*, "But he adds." Such a modified substitution reads Aristotle's subsequent remark as a caveat to his initial censure of lavish spending. Thus Cicero cautions us that there are circumstances in which necessity compels the opposite of the precept not to spend lavishly. In this case, the necessity is survival. And unlike paying large ransoms for captured men, or assuming the debt of friends, there is nothing inherently honorable about paying a small fortune for a pint of water merely to prevent one's dying of thirst. See 2.59. See also Walsh, *On Obligations*, 171 n. 56.

[135] At the time of the Peloponnesian War, a mina would have been the amount an Athenian juror was paid by the city for two hundred days of jury duty.

[136] This is most likely from one of Aristotle's lost dialogues.

[137] Publius Licinius Crassus Dives (late 2nd century–87 BC) was a Roman general and statesman. The father of Marcus Licinius Crassus Dives, he was aedile around 102 BC and consul in 97 BC. Afterward he campaigned in Iberia, eventually earning a triumph in 93 BC for his victories over the Lusitani. As a censor in 89 BC, he enrolled the first of the newly enfranchised Italians. In 87 BC he helped defend Rome against Marius and Cinna, committing suicide after their victory.

[138] Viz., Lucius Licinius Crassus.

[139] For Quintus Mucius Scaevola Pontifex, see the note under 1.116.

[140] Gaius Claudius Pulcher (late 2nd–early 1st century BC) was a Roman statesman. He was aedile in 99 BC and consul in 92. His aedileship was memorable for introducing elephants into the Circus Maximus.

[141] For Lucius Licinius Lucullus and Marcus Licinius Lucullus, see the notes under 1.140 and 2.50, respectively. Their aedileship was memorable for introducing a revolving stage for performances, as well as matching elephants against bulls.

[142] Quintus Hortensius Hortalus (114–50 BC) was a Roman orator and statesman. He was aedile in 75 BC, consul in 69 BC, and, until being surpassed by Cicero in the Verres case, the most celebrated orator in Rome. Cicero remained on good terms with his former rival, although he never fully trusted him. He would later make Hortensius a primary character in his lost *Hortensius*, a dialogue exhorting

others to philosophy. For the prosecution of Verres, see the first section of the introduction in this volume.

143 Decimus Junius Silanus (fl. 1st century BC) was a Roman statesman. He was aedile around 70 BC and consul in 62 BC. As consul-designate in 63 BC, he advocated for the ultimate penalty for the Catilinarian conspirators; however, after hearing a speech by Gaius Julius Caesar recommending exile, he explained that his proposition for the "ultimate" penalty also meant exile. For the Catilinarian conspiracy, see the first section of the introduction in this volume.

144 Publius Lentulus Spinther (fl. 1st century BC) was a Roman statesman. He was aedile in 63 BC and consul in 57 BC. A devoted supporter of Cicero, he advocated for Cicero's recall from exile while consul in 57 BC.

145 For Marcus Aemilius Scaurus, see the note under 1.138. During his aedileship in 58 BC, he spent a fortune on lavish games. He tried to recoup his losses as governor of Sardinia in 55 BC, and was subsequently tried for extortion in 54 BC. He was successfully defended by Cicero and acquitted.

146 Viz., Gnaeus Pompeius Magnus. The word "friend" is contextually implied in the Latin.

147 The following four examples of acceptable largesse form an interesting chiasmus, or the inverted ordering of two corresponding pairs (a-b-b-a). The cause for largesse in the first and fourth examples is necessity; the second and third, utility. Thus they neatly set up Cicero's declaration at the beginning of 2.59.

148 Mamercus Aemilius Lepidus Livianus (fl. 1st century BC) was a Roman statesman. He was rejected on his first attempt at the consulship, possibly for skipping the aedileship—and thus the opportunity to please the voting multitude—but later won the consulship in 77 BC.

149 Gnaeus Aufidius Orestes Aurelianus (fl. 1st century BC) was a Roman statesman. He was aedile in 79 BC, praetor in 77 BC, and consul in 71 BC. His largesse in his aedileship helped secure his praetorship and consulship.

150 Marcus Seius (fl. 1st century BC) was a Roman statesman. As aedile in 74 BC, he distributed corn at less than one-sixth the normal price at a time when piracy had created a severe shortage.

151 An as was a Roman copper coin of the lowest value. A peck was the Roman corn measure, equivalent to about two gallons.

152 Titus Annius Milo (early 1st century–48 BC) was a Roman statesman. As tribune in 57 BC, he employed gladiators to counter the gangs of Publius Clodius Pulcher. He became praetor in 55 BC and consul in 52 BC, but the ongoing violence between him and Clodius culminated in Milo killing Clodius in the year of the latter's consulship. This left his colleague, Gnaeus Pompeius Magnus, sole consul. Pompeius prosecuted Milo for murder, and Cicero took on Milo's defense. However, Pompeius filled the court so heavily with armed soldiers that Cicero had trouble speaking, and Milo was condemned. He retired in exile to Massilia, but later accepted Marcus Caelius Rufus's rebellion against Gaius Julius Caesar. He was subsequently captured and killed at Cosa in 48 BC. See also the first section of the introduction in this volume.

The word "friend" is contextually implied in the Latin.

153 Publius Clodius Pulcher (ca. 92–52 BC) was a Roman statesman. Originally a member of the patrician Claudii, he changed his name to the popular spelling and status to a plebian in order to become tribune of the plebs in 58 BC. He exacted revenge on Cicero, who had given truthful evidence against him in court in 61 BC, by having him exiled, ostensibly for putting to death the Catilinarian conspirators without a trial. His hired gangs then terrorized Rome. Cicero's friend Titus Annius Milo in turn hired gladiators to counter Clodius's own gangs. The violence between them escalated until finally Milo killed Clodius in 52 BC. See also the first section of the introduction in this volume.

154 For Lucius Marcius Philippus, see the note under 1.108.

[155] Latin: *gloriari*. See the note under 1.78.

[156] Gaius Aurelius Cotta (ca. 124–73 BC) was a Roman orator and statesman. A friend of Lucius Licinius Crassus in his youth, he was initially exiled but later pardoned by Lucius Cornelius Sulla Felix. He became consul in 75 BC, and met popular discontent by passing a law allowing tribunes to stand for higher offices. Later he governed Cisalpine Gaul. Cicero made him a character speaking for Academic skepticism in his *On the Nature of the Gods*.

[157] Gaius Scribonius Curio (early 1st century–53 BC) was a Roman statesman. After an unsuccessful tribunate in 90 BC, he joined Lucius Cornelius Sulla Felix's campaigns in the East, and, when Sulla marched on Rome, enriched himself in his proscriptions. He became consul in 76 BC, subsequently fought in Macedonia as a proconsul, and triumphed in 73 BC. He consistently opposed Gaius Julius Caesar, supported Publius Clodius Pulcher, and was often hostile to Cicero.

[158] Latin: *gloriari*. See the note under 1.78.

[159] Viz., Gnaeus Pompeius Magnus.

[160] See 1.6 and 3.7.

[161] For Demetrius of Phalerum, see the note under 1.3.

[162] For Pericles, see the note under 1.109. The Propylaea was the monumental entrance to the Athenian Acropolis, the ancient citadel located on a rocky outcrop in the center of Athens. Construction began under the direction of the architect Phidias in 437 BC and was completed in 432 BC. Pericles paid for it, like nearly all of his building projects, with the tribute Athens collected from her allies. See Plutarch, *Life of Pericles* 12.

[163] Cicero wrote *On the Commonwealth* in 51 BC. A dialogue in six books, it is Cicero's most political work of philosophy. Lost in late antiquity, it was later partially recovered as a palimpsest in 1819 by Cardinal Angelo Mai in the Vatican Library. When taken together with other surviving fragments, a little less than half of the work survives.

[164] A verse from an unknown tragedy of Ennius.

[165] See Sophocles, *Ajax* 523–24.

[166] Latin: *ab ordine nostro*. See the note under 1.151.

[167] Viz., Lucius Licinius Crassus. The speech in question was delivered in 106 BC in support of the Servilian bill, which proposed to divide juries equally between senators and equestrians. See Cicero, *For Cluentius* 140.

[168] Latin: *Habenda . . . ratio est*. See the note under 1.120.

[169] For Theophrastus, see the note under 1.3.

[170] Latin: *homines externos*. Literally: "foreign human beings."

[171] Latin: *posse multum volunt*. Literally: "those to wish to be quite able."

[172] Cimon (ca. 510–450 BC) was an Athenian general and statesman. As a general, he successfully commanded nearly all the operations of the Delian League from 476 to 463 BC; as a statesman, he lead the aristocratic party in opposition to the democratic party; as a man, he was a magnanimous conservative who admired Sparta.

[173] The Laciads were one of about 150 Athenian districts or "demes," which in turn were subdivisions of the ten Athenian tribes. On Cimon's famed hospitality to his deme, see Aristotle, *The Constitution of the Athenians* 27.3; Plutarch *Cimon* 10.

[174] Latin: *imperavisse*. *Imperare* means "to command" or "to rule." Elsewhere I have translated it as "to rule."

[175] Latin: *in iure*. Literally: "with respect to [what is] right." *Ius civile*, or civil law, is contextually implied here.

[176] Viz., Servius Sulpicius Rufus (ca. 106–43 BC) was a Roman orator, jurist, and statesman. He became consul in 51 BC and with reservations joined Gaius Julius Caesar during the Civil War (49–45 BC). In life, he was chiefly known for being a learned jurist; in death, he is known for his celebrated letter of condolence to Cicero for the death of his daughter. See Cicero, *Letters to Friends* 4.5.

[177] Latin: *principatus*. Literally: "preeminence."

[178] Latin: *in toga*. Literally: "in [matters of] the toga." The toga was the traditional dress of a Roman citizen, and so was a symbol of citizenship and civic life.

[179] Latin: *iuris*. See the note under 2.65.

[180] See 1.45.

[181] Latin: *inopis*. Literally: "without resources." I have chosen to translate *inops* as "destitute," and *inopia* as "destitution," as they imply an extreme poverty.

[182] Latin: *eget enim multis*. The Latin *multis* is ambiguous and can mean "many things," "many people," or, most likely, both.

[183] Latin: *utentior*. *Utens* is a participle of *utor*, "to use," and can be translated either as such, or adjectivally as "having money to spend." Cicero here draws upon both meanings. Since the stronger contrast is between utility and honorableness, I have retained the former translation.

[184] For Gaius Sempronius Gracchus, see the note under 1.76.

[185] Marcus Octavius (fl. 2nd century BC) was a Roman statesman. As tribune he vetoed the agrarian bill of Tiberius Sempronius Gracchus in 133 BC. The date of his own bill distributing corn, at what price, and to whom are uncertain.

[186] The plebeians were those belonging to the common Roman citizenry, as distinguished from the patricians, the noble Roman citizenry.

[187] For Lucius Marcius Philippus, see the note under 1.108.

[188] Latin: *sed cum in agendo multa populariter*. Literally: "but in addition to advancing many things popularly." *Populariter* is the adverbial form of *popularis*. See the glossary entry "those attached to the multitude."

[189] Compare this useful precept, along with the useful ones given in 2.13–15 and 2.41–42, with the honorable one given in 1.157–158. Then compare both with Scipio's more prudent definition of a commonwealth in *On the Commonwealth* 1.39. See also Locke, *Second Treatise of Government*, chap. 5 and elsewhere.

[190] Gaius Pontius the Samnite (fl. 4th century) was a Samnite general. In 321 BC during the Second Samnite War (326–304 BC) he trapped a Roman army in the Caudine Forks and imposed his own peace terms.

[191] Lucius Calpurnius Piso Frugi (fl. 2nd century) was a Roman historian and statesman. As tribune in 149 BC he carried a law against extortion. He later became consul in 133 BC and censor in 120 BC. His *Annals* was written in seven books and covered the history of Rome from its foundation down to his own time.

[192] This is in reference to the Social War (90–89 BC) between the Roman Republic and its Italian allies over the latter being denied Roman citizenship.

[193] Viz., Publius Cornelius Scipio Africanus Aemilianus.

[194] See 3.111.

[195] Lucius Aemilius Paullus Macedonicus (ca. 229–160 BC) was a Roman general and statesman. He was the natural father of Publius Cornelius Scipio Africanus Aemilianus. He was consul in 182 and 168 BC, during the latter of which he ended the Third Macedonian War (171–168 BC) at the battle of Pydna in 168 BC. As his share of the spoils, he took only the library of Perseus of Macedonia.

[196] Lucius Mummius Achaicus (fl. 2nd century BC) was a Roman general and statesman. As consul in 146 BC he assumed command of the war against the Achaean League. Mummius defeated them, destroyed Corinth, and dissolved the league. For his victory he received the name "Achaicus." He then sent back the spoils of Corinth to adorn Italy and Rome. Later he became censor in 142 BC with Publius Cornelius Scipio Africanus Aemilianus.

[197] See the glossary entry "those attached to the multitude."

[198] Latin: *ut sit libera et non sollicita suae rei cuiusque custodia*. Literally: "that the defense of each person's own property is free and undisturbed." However, compare Cicero's discussion of property in 2.79–85 in light of his remark in 1.21.

[199] For Lysander, see the note under 1.76.

[200] Agis IV (ca. 262–241 BC) was a Spartan king who ascended to the throne in 244 BC. He attempted to introduce agrarian reforms and return to the constitution of Lycurgus. He was deposed and executed by order of the ephors in 241 BC.

[201] For Tiberius Sempronius Gracchus Major, and his sons, Tiberius Sempronius Gracchus and Gaius Sempronius Gracchus, see the note under 1.76.

[202] Publius Cornelius Scipio Africanus Major (236–184 BC) was a Roman general and statesman. Hero of the Second Punic War (218–201 BC), Scipio adopted an offensive policy while commanding in Spain, seizing the enemy's base of New Carthage in 209 BC. His success in Spain prompted his election as consul in 205 BC, despite his youth and ineligibility for the office. As consul, he pursued an aggressive strategy of invading Africa, which eventually forced Carthage to recall Hannibal from Italy to defend the capital. He defeated Hannibal at the battle of Zama in 202 BC. For his victory he was awarded the cognomen "Africanus." In 199 BC he was elected censor and in 194 BC consul for the second time. In 193 BC he served as his brother's legate in the East. At this same time in Rome his political enemies, led by Marcus Porcius Cato the Elder, launched a political attack on the Scipio family. It is uncertain whether Scipio Africanus himself was prosecuted, but his political position was undermined, forcing him to withdraw from political life. Embittered and ill, he died soon afterward at Liternum in 184 BC.

[203] Aratus of Sicyon (271–213 BC) was a Sicyonian general and statesman. He liberated Sicyon from the tyrant Nicocles in 251 BC, and solved his economic troubles with subsidies from Ptolemy II Philadelphus. He then united Sicyon to the Achaen League and became the latter's leader.

[204] Nicocles (fl. 3rd century BC) was the tyrant of Sicyon. He was overthrown by Aratus of Sicyon in 251 BC.

[205] Ptolemy II Philadelphus (308–246 BC) was the king of Egypt. He ascended to the throne in 283 BC after the death of his father, Ptolemy I Soter, the general of Alexander the Great who had assumed control of Egypt after the latter's death. He created the Ptolemaic financial administration and built the Pharus, the Museum, and the Library, among other things.

[206] Viz., in the confiscations of Lucius Cornelius Sulla Felix and Gaius Julius Caesar. See also 2.27.

[207] See Caesar, *Commentaries on the Civil War* 3.20–21, where Caesar says he remitted one year's rent on dwellings for tenants.

[208] For the Catilinarian conspiracy, see the first section of the introduction in this volume.

[209] Latin: *ordine*. See the note under 1.151.

[210] Viz., Gaius Julius Caesar.

[211] An allusion to Gaius Julius Caesar's suspected involvement in the Catilinarian conspiracy.

[212] See Aristotle, *Politics* 1267a3–17.

[213] Latin: *iuris*. See the note under 2.65.

[214] Antipater of Tyre (fl. 1st century) was a Stoic philosopher. He is chiefly remembered for introducing Marcus Porcius Cato Uticensis to Stoic philosophy.
[215] For the use of *victus* and *cultus*, see the glossary entries "sustenance" and "cultivation," respectively.
[216] For Xenophon, see the note under 1.118.
[217] Moneylending was conducted under the central archway, east of the Roman forum.
[218] See 1.106.
[219] See Aristotle, *Nicomachean Ethics* 1123b20.
[220] Viz., Marcus Porcius Cato the Elder.
[221] Both instances of "ask" in 2.89 are from the verb *quaerere* and literally mean "to seek." See the note under 3.56.
[222] Latin: *Quid hominem . . . occidere*? Literally: "What about slaying a human being?"

Book Three

(1) Marcus, my son, Cato[1] once wrote that the Publius Scipio who was first called Africanus,[2] his near contemporary, was accustomed to say that he was never less at leisure than when he was at leisure, nor less alone than when he was alone.[3] A truly magnificent remark and one worthy of a great and wise man! Such a remark reveals that he was accustomed to reflect upon business in his leisure and talk with himself in his solitude, so that he was never inactive and sometimes did not need the colloquy of another. And so these two things that produce languor in others, leisure and solitude, whetted him.

I truly wish I could say the same thing about myself. But if I am less able to follow so excellent a character by imitation, I can certainly come close by effort of will. For since I am prohibited from the commonwealth and forensic business by impious arms and force, I pursue leisure, and since I have abandoned the city and now scour the countryside, often I am alone. **(2)** But my leisure must not be compared with the leisure of Africanus, nor my solitude with his. For whereas he took his leisure sometimes, as a rest from the most beautiful of duties to the commonwealth, and occasionally withdrew in solitude from the gatherings and crowds of human beings, as if to a refuge, my leisure was arranged owing to a scarcity of business, not an

eagerness for rest. For with the Senate extinguished and the law courts destroyed, what is there worthy of me that I can do either in the Senate or in the forum? **(3)** Thus I who once lived in the greatest of renown and under the eyes of citizens, now flee the gaze of criminals, with whom every place overflows, hiding myself as much as possible, and often I am alone.

But because we have heard from learned human beings not only that from among ills we ought to choose the least,[4] but also to extract from these things anything that might be inherently good, therefore, even though it is not the leisure that it ought to be for one who once procured leisure for his political community, I am enjoying my leisure, and I am not permitting myself to languish in that solitude that necessity occasions, not choice.[5] **(4)** Still, in my judgment, Africanus achieved the greater praise; for no monuments to his character have been committed to writing; no work of his leisure, no offering[6] of his solitude, survives. Consequently, we ought to understand that in his intellectual activity and in his investigation of such things as follow from reflection, never was he either at leisure or alone. But I, who do not possess such strength that I can extricate myself from solitude with silent reflection, I turn all my devotion and care to this present effort of writing. And so I have written more in the brief time since the overthrow of the commonwealth than in the many years while it still stood.

(5) But as all philosophy, my Cicero, is fecund and fruitful, nor any part of it barren and desert, so is no subject in it more fertile and ample than appropriate actions, from which precepts are derived for living steadfastly and honorably.[7] And so although I am confident that you continually hear and receive these things from our Cratippus,[8] preeminent among philosophers within living memory, nevertheless, I think it advantageous that your ears resound everywhere with such speeches, nor, if possible, that they hear anything else.[9] **(6)** Not only must this be done by all those who reflect on how to lead an honorable life, but I wonder if by no one more so than you; for you assume a not inconsiderable expectation of imitating my industry, a great one with respect to my honors, and, perhaps, something of one regarding my name. In addition to these, you have assumed a weighty burden from Athens and Cratippus; since you have set out to them, as if to purchase good arts, it would be most disgraceful to return empty-handed,

discrediting[10] the authority of both city and teacher. Therefore, as much as you can apply your mind, as much as you can persist in your labor—if it is a labor to learn rather than a pleasure—do your best to succeed; and do not, when everything has been supplied by me, give occasion to seem to be lacking *yourself*.

So much for these things; for I have often written to you urging many such things. Now let us return to the remaining part of our proposed division.

(7) It was Panaetius, then, who most carefully discussed appropriate actions without inciting controversy—and whom I myself chiefly have followed, after employing a certain correction[11]—Panaetius, who proposed three sorts of things that human beings are accustomed to deliberate and ponder concerning appropriate action: first, whether a certain deed is honorable or disgraceful; second, whether it is useful or useless; third, how one ought to decide between things when what appears to be honorable conflicts with what seems to be useful.[12] Panaetius explained the first two sorts in three books; but, while he wrote that he would speak on the third sort next, he did not fulfill his promise. **(8)** I am all the more amazed at this because his pupil Posidonius[13] wrote that Panaetius lived another thirty years after he had published those books. And I am amazed that this subject was touched upon so briefly by Posidonius in his own commentaries, especially since he wrote that there was no subject in all of philosophy so necessary.

(9) I truly do not agree at all with those who say that this subject was not omitted by Panaetius, but deliberately abandoned, there being no need to write on it at all, because utility can never conflict with honorableness. As to the one, we can doubt as to whether this sort of question ought to be advanced, which is third in Panaetius's division above, or simply disregarded; as to the other, we cannot doubt but that the subject was undertaken by Panaetius, but abandoned. For since he delivered two parts of his tripartite division, the third necessarily remained for him. Besides, in his final third book, he promised that he would speak next on this third part. **(10)** Posidonius comes forward as a credible[14] witness on this same matter. For he also wrote in a certain letter that Publius Rutilius Rufus,[15] who was a pupil of Panaetius, was accustomed to say that as no painter could be found

who could finish the part of the Venus of Cos that Apelles[16] had left unfinished—for the beauty of the face removed all hope of imitating it with the rest of the body—so, too, could no one finish the part that Panaetius had omitted owing to the excellence of the parts that he had completed.

(11) And so there can be no doubt as to the judgment of Panaetius; as to whether or not he correctly attached this third part to the search into appropriate action, perhaps there can be some discussion. For whether the honorable is the only good, as approved by the Stoics,[17] or whether what is honorable is the highest good, as seems to your Peripatetics,[18] so that if everything else on the other side should be taken together, their importance would scarcely bear the slightest resemblance,[19] there can be no doubt but that utility can never contend with honorableness. And so we are told that Socrates was accustomed to execrate those who first separated in opinion what had been united by nature.[20] The Stoics have so agreed with him that they suppose that whatever is honorable is useful, and that nothing is useful that is not honorable. **(12)** But if Panaetius was the sort of person who would say that virtue ought to be cultivated because it could prove to be useful,[21] as those do who measure the desirability of things by either pleasure or the absence of pain,[22] he would be permitted to say that utility sometimes conflicts with honorableness. But since he was the sort of person who judged that the only good is what is honorable, and, moreover, that life can neither become better with the addition nor worse with the subtraction of those things that might be opposed to it owing to a certain appearance of utility, it does not seem that he ought to have introduced a deliberation of the sort in which what is useful could be compared with what is honorable.[23] **(13)** For surely what is said by the Stoics to be the highest good, "to live harmoniously with nature," in my opinion, entails the sentiment "to always be congruent with virtue"; moreover, everything else that is in accordance with nature is to be chosen, insofar as it is not opposed to virtue. Consequently, certain people think that this comparison was incorrectly introduced, and that nothing whatsoever ought to have been advised with regard to this sort.

The honorable is indeed strictly and truly said to be that which resides in the wise alone and can never be wrested from virtue. Moreover, in those in

whom wisdom does not entirely exist, the honorable by no means entirely exists; similarities of the honorable can exist.[24] **(14)** For the actions that we are discussing in these books are what the Stoics call "ordinarily" appropriate; these are common and widely applicable, and many achieve them owing to the goodness of their character and the progress of their learning.[25] But that action that they likewise call "correct," is "entirely" and "absolutely" appropriate, and, as they likewise say, fulfills all the numbers,[26] and cannot fall to anyone except a wise person.[27] **(15)** Still, when something is done in which ordinarily appropriate actions are evident, it really does seem to be entirely appropriate because the vulgar multitude does not quite understand how it could fall short of something entirely appropriate; moreover, insofar as they do understand, they think nothing has been omitted. The same thing occurs in the enjoyment[28] of poetry, paintings, and many other things: the ignorant are delighted by and praise such things as ought not to be praised. I believe the cause is that inherent to such things is something commendable that captivates the ignorant, who likewise cannot judge in any given thing what might be inherently vicious. And so after they have been taught by experienced people, they readily abandon their previous sentiment. Therefore, they[29] say that these appropriate actions that we are discussing in these books are honorable, as it were, in a secondary way; they are not only characteristic of the wise, but also common to the entire human race. **(16)** And so everyone who has a disposition toward virtue is stirred by them. In truth, when the two Decii[30] or the two Scipios[31] are remembered as courageous men, or when Fabricius[32] or Aristides[33] is called just, no example is demanded from the former for courage or from the latter for justice, as it would be from a wise person; for none of them was wise as I want "wise" to be understood. Nor were those who were considered and called wise, such as Marcus Cato[34] and Gaius Laelius,[35] actually wise—not even the Seven Wise Men[36]—but owing to the frequency of their observing ordinarily appropriate actions, they bore a certain similarity to and appearance of wise people.

(17) It is neither righteous, then, for what is truly honorable to be compared in opposition to what is useful, nor must what we commonly call honorable, which is cultivated by those who wish to be considered good

men, ever be compared with any sort of gain. And so the honorable that falls to our understanding must be protected and safeguarded by us as much as that which is strictly and truly said to be honorable by the wise; for otherwise no progress made toward virtue could be maintained.

But enough about those who are believed to be good men owing to their observance of appropriate actions. **(18)** However, those who measure everything by gain and advantage, and do not wish such things to be outweighed by honorableness, who are accustomed in their deliberations to compare the honorable with what they think useful, these people are not accustomed to be considered good men.[37] And so I believe that when Panaetius said that human beings are *accustomed* to be in doubt over this comparison, he perceived this very thing, which is why he said only "accustomed" and not also "ought." For surely it is most disgraceful not only to think more of what seems useful than what is honorable, but also to compare these things with each other and express doubt over them.

What is it, then, that is sometimes accustomed to introduce doubt and seems as if it ought to be considered? I believe that if ever such doubt occurs it is over what sort of action is under consideration; **(19)** for owing to circumstance it often happens that what is generally accustomed to be considered disgraceful is discovered not to be disgraceful.[38] I submit the following as an example that has wide applicability. What greater crime can there be than to murder,[39] not only another human being, but also one with whom we are intimate? And yet does someone commit a crime if he kills a tyrant, however much an intimate? It does not in fact seem so to the Roman people, who believe this the most beautiful of all superb deeds. Does utility, then, conquer honorableness? On the contrary, honorableness in truth followed upon utility.

And so a certain precept must be established so that we can adjudicate without error, if ever something that we call useful seems to conflict with something that we understand is honorable; if we follow this precept in our comparison of things, we will not stray from appropriate action. **(20)** Further, this precept will be especially consistent with the reasoning and teaching of the Stoics, a precept that we are in fact following in these books[40] owing to the following: although both the Old Academics[41] and

your Peripatetics—who were once one and the same, namely, Academics—prefer what is honorable to what seems useful,[42] nevertheless, these things are more nobly discussed by those for whom whatever is honorable likewise seems useful, nor is anything useful that is not honorable,[43] than by those for whom something is honorable that is not useful, or useful that is not honorable. As for myself, my Academy[44] gives me great license, so that by my own right I may defend whatever appears especially probable.[45] But I return to the precept.

(21) And so for one human being to take something belonging to another human being, and to enlarge his own advantage to the disadvantage of another, such is more contrary to nature than death, than poverty, than pain, than all the rest that can happen to his body or external goods. In the first place, it destroys the intimacy and association between human beings. For if we were so disposed that each person should rob and violate another for his own gain, it would necessarily follow that association among the human race—which is especially according to nature—would be shattered. **(22)** If each one of our limbs were so disposed to think that it could strengthen itself if it sapped the health of a nearby limb, it would necessarily follow that the whole body would weaken and perish;[46] likewise, if each one of us seized for himself the advantages of others, and took what he could for his own gain, it would necessarily follow that association and community between human beings would be overturned. It is not opposed to nature to concede that each person prefers to acquire for himself what may be of use in life rather than for another; what is not to be borne by nature is that we enlarge our resources, abundance, and influence with the spoils of others.

(23) This precept, that it is impermissible to harm another for the sake of one's own advantage, is truly established, not only by nature, that is to say, by international law,[47] but also by the laws of individual peoples, which preserve the commonwealths of individual political communities.[48] For *this* is at what the laws aim, *this* is what they wish, that unity among citizens remain secure; those who disrupt this unity they restrain with death, exile, imprisonment, confiscation. And this is accomplished all the more by the very reasoning of nature, a reasoning that is a law divine and human.[49] He who wishes to obey it—and all will obey it who wish to live according to

nature—he will never act so as to desire what is another's, nor take away what is another's so as to appropriate it for himself. **(24)** For surely loftiness and greatness of spirit are much more according to nature, likewise, gentility, justice, and liberality, than pleasure, than life,[50] than wealth; indeed, for these latter things to be despised and considered unimportant in comparison with the common utility befits a great and lofty spirit; but to take away what is another's for the sake of one's own advantage is more contrary to nature than death, than pain, than anything else of this sort.[51] **(25)** In like manner, it is more according to nature to undertake the greatest labors and troubles, if possible, so as to safeguard or aid all peoples—thereby imitating Hercules, who, according to tradition,[52] was seated in the council of the heavens in remembrance of his favors[53]—than to live in solitude, not only without any troubles, but even with the greatest of pleasures, overflowing with an abundance of everything, even excelling others in beauty and strength. Therefore, each person with the best and noblest character far prefers the former life to the latter. The result is that the human being who obeys nature cannot harm another human being.

(26) Again, he who violates another so as to obtain some advantage for himself either believes that he does nothing contrary to nature, or supposes that death, poverty, and pain, as well as the loss of children, relatives, and friends, are more to be avoided than causing injury to another. If he believes that it is in no way contrary to nature to violate other human beings, what is there to discuss with a person who altogether removes what is human from a human being? But if he supposes that while this is indeed something that ought to be avoided, death, poverty, and pain are much worse, he errs in believing that any vice of the body or fortune is graver than the vices of the spirit.

Let this one proposition, then, apply to everyone, that the utility of each individual and everyone as a whole is the same;[54] if each person seizes this for himself, the whole of human fellowship will dissolve.

(27) And so if nature dictates that one human being should want to look after the interests of another human being—whoever he may be—simply because he *is* a human being, it necessarily follows that, according to this same nature, there are things that are useful to everyone that everyone

shares in common.[55] If this is so, we are all bound by one and the same law of nature; and, if this is so, we are certainly forbidden to violate another by this law of nature. Since the former is true, therefore the latter is true.[56] **(28)** For what certain people say is indeed absurd, that they would never take from a parent or brother for the sake of their own advantage, but a different reasoning applies to the rest of the citizenry. These people assume that there is no right, no association, that exists among citizens for the sake of a common utility, a sentiment that rends all association within a political community. Moreover, there are those who say that this reasoning ought to apply to citizens, but not to foreigners; these people sunder the association common among the entire human race, an association that, once destroyed, beneficence, liberality, goodness, and justice are utterly destroyed. Those who destroy these things must be judged to have also acted impiously toward the immortal gods; for they overturn the association that has been established among human beings by them. The firmest bond of this association is the judgment that for one human being to take from another to further his own advantage is more contrary to nature than any disadvantage to either his external goods or his body or even his very spirit. Such actions are devoid of justice,[57] and justice is the single virtue that is queen and ruler of all the virtues.[58]

(29) But perhaps someone might say: "Should not a wise person, if he is suffering from hunger, should he not take food from an altogether useless human being?[59] Or take the example of Phalaris,[60] a cruel and savage tyrant, if a good man can rob him of his clothes lest he himself suffer from cold, should he not do it?"

(30) These examples are very easy to judge. For if you should take away something from an altogether useless human being, you would act inhumanly and contrary to the law of nature; but if you yourself should be such a person who could contribute much utility to the commonwealth and human association should you remain alive, if you should take away from another because of *this*, the act must not be reproached. But if the act should not be something of this sort, each person must bear his own disadvantage rather than take way the advantages of another. Therefore, illness or want or anything else of this sort is not more contrary to nature

than taking and desiring[61] what is another's; but disregard for the common utility is; for it is unjust. **(31)** And so the law of nature itself, which safeguards and preserves what is of utility to human beings, surely decrees that the necessities of life[62] may be transferred from an inept and useless human being to a wise, good, and courageous man, a man who, were he to die, would take away much from this common utility; but such a man may do so provided only that he not, in admiring and esteeming *himself*, employ it as a pretext for causing injury to another.[63] Thus he will always preform the appropriate action when considering what is of utility to human beings and human association, the latter of which I so often mention.

(32) Now what applies to Phalaris is very easy to judge; for there is no association between us and tyrants. On the contrary, there is the greatest dissociation, and it is not contrary to nature to rob him, if you can, whom it is honorable to kill; indeed, this entire pestilential and impious sort must be expelled from every community of human beings. For surely, as when certain limbs are amputated if they begin to lack either blood or, as it were, life, and begin to harm the remaining parts of the body, so, too, this feral and savage brute with the figure of a human being must be removed, as it were, from the common body of humanity.[64]

These are all queries of the sort in which the appropriate action is to be sought according to the circumstance.[65]

(33) I believe Panaetius would have pursued matters of this sort, had not some chance or preoccupation prevented his consideration of them. At any rate, there were enough precepts given in his preceding books on these very considerations, in which we can perceive what must be avoided owing to disgrace, and what must not be avoided, being not entirely disgraceful. But since I am placing, as it were, the capstone on an unfinished yet nearly finished work, as geometers are not accustomed to teach everything, but demand that certain things be granted to them so they may more easily explain what they wish, so, too, do I demand from you, my dear Cicero, that you grant to me, if you can, that nothing except what is honorable must be desired for its own sake.[66] But if you cannot permit this, owing to Cratippus,[67] you will still certainly grant that what is honorable must be desired especially for its own sake.[68] Either of these is sufficient for me, as

now the one, now the other, seems more probable, while nothing except these seems probable.[69]

(34) Still, Panaetius must be defended in this respect, that he did not say that useful things conflict with honorable ones—for such was unrighteous for him—but such things as *seemed* useful. In truth, he often attested that nothing is useful that is not likewise honorable, that nothing is honorable that is not likewise useful, and denied that any greater pestilence had assailed the lives of human beings than the opinion of those who had separated these things.[70] And so he introduced what seems but is not a contradiction, not so that we might sometimes prefer useful things to honorable ones, but so that we might adjudicate between them without error, if ever they should conflict. Therefore, I shall finish this remaining subject without any auxiliaries, but, as it is said, with my own troops; for nothing has been explained with respect to this subject after Panaetius, at least of which I approve, in the works that have come into my hands.

(35) And so when something possessing the appearance of utility pre-sents itself, we are necessarily aroused.[71] But if, after bringing your mind to bear upon the matter, you should see disgrace attached to the very thing that presents the appearance of utility, it is not that utility must be abandoned, but rather that we must understand that where there is disgrace, there cannot be utility. But if there is nothing so contrary to nature than disgrace—for nature desires what is correct and harmonious and constant, and spurns their opposites—and nothing is so according to nature than utility, utility and disgrace cannot exist within the same thing.[72] In like manner, if we are born for honorableness, and honorableness must be desired either solely,[73] as it seemed to Zeno,[74] or clearly as something possessing substantially more weight than everything else,[75] as approved by Aristotle, it necessarily follows that what is honorable is either the sole or the highest good; and, moreover, as what is good is clearly useful, so whatever is honorable is useful.

(36) Thus this error of wicked human beings must be arrested: when something that seems to be useful is immediately separated from what is honorable. Hence daggers, hence poisons, hence forged wills, arise; hence theft, embezzlement, pillaging and plundering of allies and citizens; hence

longings for excessive influence, for intolerable power, finally, even for rule over free political communities, emerge, longings more foul or loathsome than which one cannot conceive. For while these people see what is to be gained from such false judgments, they do not see the penalty—I do not say of the laws, which they very often escape—but of disgrace itself, which is the harshest. **(37)** Accordingly, let those who engage in deliberations of this sort be driven from our midst—for such deliberation is altogether criminal and impious—insofar as they deliberate on whether to follow what they see to be honorable, or, knowing otherwise, to debase themselves with crime. For such doubt is inherently wicked, even if one does not pursue it. Therefore, these things must never be deliberated, since deliberation on them is itself disgraceful.

Moreover, even the hope and opinion of concealing and hiding things must be removed from all deliberation.[76] For if we have made even some progress in philosophy, we ought to be persuaded that even if we could conceal it from all gods and human beings, we ought to do nothing avariciously, nothing unjustly, nothing lustfully, nothing incontinently. **(38)** Hence the example of Gyges was introduced by Plato,[77] Gyges, who, when the earth had fissured after some great rain showers, descended into the open chasm, and, as the fables relate it, noticed a bronze horse with doors on its side. When he opened these he saw the body of a human being, dead, of a size unseen, with a gold ring on its finger; this ring he removed, put it on himself, and, as he was a shepherd of the king, proceeded to an assembly of shepherds. When there he turned the bezel of the ring toward his palm, no one could see him, while he still saw everything; likewise, when he turned the bezel to its original place, he could be seen again. And so using the opportunity afforded by the ring, he violated the queen and, with her complicity, killed his king and master, and removed those he thought obstructed him. No one could see him in his crimes. Thus with the assistance[78] of the ring, suddenly he rose as king of Lydia.

Now if a wise person were to possess this very ring, he would think that he was no more permitted to transgress than if he did not possess it; for good men seek honorable things, not hidden ones.[79]

(39) At this point certain philosophers who are not at all bad people, but not very acute, say that this is a fictitious and fabricated fable advanced by Plato, as if he truly maintained it had happened or could happen. The force of the ring and the example is this: if no one would know, no one would even suspect, that you had done something for the sake of wealth, power, dominion, lust, if it would always be unknown to gods and human beings, would you do it? They deny that it could happen, although it could indeed happen.[80] But still I ask,[81] if what they deny is possible was possible, would they do it? They press on in the same rustic manner; for they persist in denying it to be possible, and do not see the significance of the word "if." For when I ask if they could conceal what they would do, I am not asking whether it is possible, but I am employing, as it were, a bit of torture, so that if they reply that they would do what is expedient with the proposed impunity, they would be confessing that they are criminals; if they deny it, they would be conceding that everything disgraceful as such must be avoided. But now let us return to our proposition.

(40) Many cases often arise that perplex our minds with the appearance of utility. But what is deliberated is not whether honorableness must be abandoned owing to the magnitude of utility—for that would be wicked—but whether what seems to be useful can be done without disgrace. When Brutus[82] abrogated the consulship[83] of his colleague Collatinus,[84] it might seem that he acted unjustly; for in expelling the kings he was an ally of Brutus and a source of counsel. But those who were then preeminent decided that the family of Superbus,[85] the name of the Tarquins, and the memory of the kingship had to be destroyed; a useful determination, one that looked to the interests of the fatherland, and therefore was so honorable that it ought to have appeased Collatinus himself. And so utility prevailed owing to honorableness, without which it could not even have been of utility. **(41)** But the case is not the same with the king who founded the city; for the appearance of utility drove his mind. This was a person who, when it seemed more useful to rule alone than with another, killed his own brother. He disregarded both piety and humanity in order that he might pursue what seemed useful, but was not. Nevertheless, when he replied that the act was "for the sake of a wall," his appearance of honorableness was both

improbable and unseemly. Therefore, he transgressed, *pace* whether I call him Quirinus or Romulus.[86] **(42)** Nevertheless, it is not the case that we must disregard our utilities or surrender them to others. Not only do we need them, but each person must pursue what is of utility to him, provided that he pursues it without injury to another. Among the many sayings of Chrysippus,[87] you will recognize this one: "As when a person runs in a stadium, he ought to struggle and strive as much as possible to win, but ought not trip or in any way manhandle his competitor, so, too, is there nothing inequitable about each person desiring what is of use to him in life, but it is not right for him to seize it from another."

(43) Moreover, appropriate actions are especially confusing with respect to friendships, either in not allotting to them what we correctly can, or in allotting to them what is inequitable, both of which are inappropriate action. But a precept may be given briefly and easily for this entire sort of case; for things that seem useful, honors, wealth, pleasures, and everything else of this same sort, must never be preferred to friendship.[88] But nor should a good man act contrary to his commonwealth or contrary to his sworn oath or good faith for the sake of friendship, not even if he were to serve as a judge in the case of a friend. For he puts aside the role of a friend when he assumes the role of a judge.[89] Our only concessions to friendship are in preferring the case of a friend to be true, and, insofar as the laws permit, in accommodating him in the time allotted for pleading his case. **(44)** In truth, when our sentiment must be given under sworn oath, we must remember that we are calling a god as our witness, that is, as I judge the matter, our own mind,[90] a thing more divine no god ever gave to a human being. And so we have received a superb custom from our ancestors, if we can retain it, of pleading before a judge, "provided it can be done in all good faith." This provision pertains to those very concessions that shortly before I said could be granted to a friend by a judge. For if everything was done as our friends wished, such relationships would not be thought friendships, but conspiracies.[91] **(45)** Moreover, I am speaking of common friendships; for between entirely wise men[92] there is nothing of the sort. They say the Pythagoreans[93] Damon and Phintias[94] shared such a spirit, so much so that when the tyrant Dionysius[95] decreed that one of them would die on an

appointed day, and the one marked for death had asked for a few days to commend his family to the care of others, the other acted as a surety by remaining in his stead. If the one did not return, the other would die. When the one returned on the appointed day, the tyrant was so amazed at their trustworthiness that he begged to be admitted as a third member to their friendship. **(46)** Therefore, when what seems to be useful in friendship is compared with what is honorable, the appearance of utility is discarded while honorableness prevails. And when things that are not honorable are demanded from friendship, religion and good faith should be preferred to friendship; thus the appropriate action we are seeking will be chosen.

But owing to the appearance of utility, very often we transgress in matters of public affairs, as in our destruction of Corinth,[96] or, harsher still, in the Athenians, perceiving the strength of the Aeginetans to lie in their fleet, cutting off the Aeginetans' thumbs. This seemed to be useful; for Aegina posed an imminent threat owing to its proximity to the Piraeus.[97] But nothing that is cruel is useful; for cruelty is inimical to the nature of human beings, a nature that we ought to follow.[98] **(47)** Those who prohibit foreigners from using their cities and expel them also act badly, as Pennus[99] did in our fathers' age and Papius[100] recently. For it is correct to forbid one who is not a citizen from acting as a citizen, as stipulated by the law passed by those wisest of consuls, Crassus[101] and Scaevola.[102] But in truth to prohibit foreigners from using a city is quite inhuman.

Such cases are superb in which the appearance of public utility is disregarded in deference to honorableness. Our commonwealth is full of such examples, not only in general, but especially in the Second Punic War after we heard of the disaster at Cannae.[103] We displayed greater spirit then than ever we did in more favorable ages; for there was no indication of fear, no mention of peace. Such is the force of the honorable that it obscures the appearance of utility. **(48)** When the Athenians could in no way sustain the assault of the Persians,[104] they resolved to abandon their city, stow their wives and children on Troezen, board their ships, and defend the liberty of Greece with their fleet. When a certain Cyrsilus urged them to remain in the city and receive Xerxes,[105] they stoned him to death.[106] And yet Cyrsilus seemed to follow what was of utility; but it was no such thing insofar as it

conflicted with honorableness. **(49)** After the victory in the war with the Persians, Themistocles said in the assembly that he had salutary counsel for the commonwealth, but there was no need to make it generally known; he asked that the people give him someone with whom he could share it; he was given Aristides.[107] The former told the latter that the fleet of the Lacedaemonians, which had been beached at Gytheum, could be secretly set ablaze, a deed that would necessarily weaken the influence of the Lacedaemonians. When Aristides had heard this, he went into the assembly, which was waiting in anticipation, and said that the counsel was thoroughly useful but in no way honorable. And so the Athenians, thinking that what was not honorable was not in fact useful, on the authority of Aristides, wholly rejected a proposal they had not even heard. These people acted better than we do, who exempt pirates but tax allies.[108]

Let it be resolved, then, that what is disgraceful is never useful, not even when you can obtain what you think is useful; for the very act of thinking that something disgraceful is useful is disastrous.

(50) But cases often arise, as I said above, when utility seems to conflict with honorableness, so that we must pay close attention to whether it plainly conflicts or can be reconciled with honorableness. The following are queries of this sort. For example, if a good man sets out from Alexandria to Rhodes conveying a great amount of grain at a moment when scarcity and famine in Rhodes have made grain very dear, and if he likewise knew that many other merchants had set out from Alexandria and had seen their ships laden with grain en route to Rhodes, should he tell this to the Rhodians, or remain silent and sell his own for as much as possible? We are imagining a wise and good man; the sort of man whose deliberation and consultation we are seeking would not conceal the matter from the Rhodians if he judged it disgraceful, but doubts as to whether or not it *is* disgraceful.

(51) In cases of this sort, the one view is accustomed to seem correct[109] to Diogenes of Babylon,[110] a great and venerable Stoic; the other to Antipater,[111] his pupil, a most acute human being. For Antipater, everything must be disclosed, so that the buyer is in no way ignorant of what the seller knows; for Diogenes, the seller ought to disclose any vices, insofar as it is required by civil law, and otherwise to act without treachery, but since he is

selling he ought to wish to sell at the best price possible: "I conveyed, displayed, and sell my grain for no more than others do, perhaps for even less, when there is a greater abundance of it. Who is injured?"

(52) The reasoning appears otherwise to Antipater: "What are you saying? You who ought to look to the interests of human beings and preserve human association; you who were born under this law[112] and possess these principles of nature, a law and principles that you ought to obey and follow, insofar as your utility is the common utility, and the common utility is yours in turn; you will conceal from human beings such advantages and abundance as would aid them?"

Diogenes will perhaps reply thus: "It is one thing to conceal, another to remain silent. I do not now conceal from you, if I do not tell you, what the nature of the gods is,[113] what the end of good things is,[114] matters that if inquired into would benefit you much more than cheap wheat. But what is useful for you to hear is not likewise necessary for me to say."

(53) "On the contrary," he says, "it is in truth necessary, if in fact you remember that human beings are united in association by nature."

"I remember," he says, "but is that association such that no one may possess anything as his own? If so then *nothing* must be sold, but everything given away."[115]

You see in this whole discussion that no one says, "Although it is disgraceful, nevertheless, since it is expedient, I shall do it," but "While expedient it is not disgraceful," or, on the other side, "Since the matter is disgraceful, it must not be done."

(54) Let us suppose a good man is selling a house owing to certain vices of which he knows but everyone else is ignorant; suppose the house is pestilential but considered wholesome; suppose snakes are found in every room, the timber is poor and rotten, but no one knows except the master of the house. I ask:[116] if the seller does not tell buyers these things, and the house sells for much more than he thought it would sell, does he act unjustly and wickedly?

"He truly does," says Antipater, "for if allowing the buyer to rush in and through his error incur the greatest fraud is not failure 'to point the way to one lost,'[117] something that is solemnly sanctioned at Athens with public

curses,[118] what is? Nay, it is even worse than failure to point the way; for you knowingly lead someone into error."[119]

(55) Diogenes counters: "Did he compel you to buy it, you who were not even encouraged to do so? He advertised what was not pleasing to him; you bought what was pleasing to you. But if those who advertise a villa as 'good and well built' are not believed to be deceitful, even if there is reason to believe that it is not good and well built, much less are those who do not praise the house. For where the buyer may exercise his own judgment, where is there fraud on the part of the seller?[120] But if not everything that is said must be fulfilled, do you think that what is *not* said must be fulfilled? In truth, what is more foolish than for a person who is selling something to recount its vices? Or what is more absurd than if by order of the master of the house the auctioneer advertises, 'pestilential house for sale?' "[121]

(56) Thus in certain doubtful cases, honorableness is defended on the one side, while utility is discussed on the other in such a way that what seems useful is not only honorable to do, but even disgraceful not to do. This is the disagreement that seems to occur between useful and honorable things. Such things must be adjudicated; for I have not advanced them so as to search into them, but to settle them.[122] **(57)** Therefore, it seems that neither the grain merchant nor the seller of the house ought to have concealed anything from buyers. For you do not conceal whatever you leave unsaid, but when you know something of which you wish others to remain ignorant for your own gain, when it is in their interest to know it. Now who does not see what sort of concealment and what sort of human being this is? Certainly not a forthright, not a simple, not a liberal, not a just, not a good man, but rather one adroit, reserved,[123] astute, deceitful, malicious, cunning, crafty, sly.[124] Is it not useless to subject oneself to all these and a great many other names for vice?

(58) But if those who leave something unsaid ought to be condemned, what must we think about those who employ deceptive speech? Gaius Canius,[125] a Roman *eques*,[126] neither dull nor unlearned,[127] would travel to Syracuse, not for business, as he was accustomed to say, but for leisure; there he would repeatedly say that he wished to buy some garden grounds in which he could invite friends and amuse himself without interruptions.

After this had become widespread, a certain Pythius, a banker in Syracuse, told him that he had some grounds that were not for sale, but that, if he wished, he would allow Canius to use as his own. He also invited him[128] to dinner the following day. When Canius had promised, then Pythius, who as a banker was a favorite of every social order,[129] summoned the fishermen and asked that tomorrow they fish in front of his grounds, and said what he wanted them to do. Canius came to dinner at the appointed time. A sumptuous banquet was prepared by Pythius; a multitude of boats were visible before their eyes, each of which bought them what he caught; fish were flung at the feet of Pythius.[130]

(59) "I ask you, Pythius," Canius said, "what is this? Why so many fish? Why so many boats?"

"It is not so amazing," he said. "In this place dwell all the fish of Syracuse; here lies the water supply; this is a villa that these fishermen cannot do without."

Inflamed with longing, Canius entreated Pythius to sell it. At first he replied grudgingly. What more needs to be said? He succeeded. In his[131] longing to purchase the grounds, he was rich enough to buy them for as much as Pythias wished, even buying the furnishings. Names were signed;[132] business was transacted. The following day Canius invited his intimates, arrived early—and saw not a single oar. He sought from a nearby neighbor whether it was some fishermen's holiday.

"None of which I know," he said, "but then none are accustomed to fish here. And so I was amazed at what happened yesterday."

(60) Canius was furious, but what could he do? For my colleague and intimate Gaius Aquilius[133] had not yet introduced precepts on malicious fraud.[134] In such matters, when someone sought from Aquilius what malicious fraud was, he replied: "When one thing is pretended, and another is done."[135] This is indeed well said, as can be expected from one[136] experienced in definition. Consequently, both Pythius and all those who do one thing and pretend another are perfidious, wicked, and malicious. Therefore, no deed of theirs can be useful that is so befouled with vice. **(61)** But if the Aquilian definition is true, then pretense and dissimulation must

be removed from all life.[137] Thus a good man will neither pretend nor dissemble so as to sell or buy something at a better price.

In addition, this same malicious fraud has been vindicated by the laws, as with guardianships in the Twelve Tables, with defrauding of adolescents under the Plaetorian law, and, without a specific law, by the law courts in which the provision "in good faith" is added. Moreover, these other provisions of the law courts are excellent: in judgment over a wife's property, "the more equitable the better"; in the matter of a trust, "to act well, as among good men."[138] What then? What part of the provision "the more equitable the better" allows for fraud? What is said in "to act well, as among good men" that permits something to be done fraudulently or maliciously? Further, malicious fraud, as Aquilius says, lies in pretense. Therefore, all falsehood must be removed from our business affairs. No seller should employ a sham bidder; no buyer someone to feign bid against him. If either declares a price, let each speak no more than once.

(62) In fact, when Quintus Scaevola,[139] the son of Publius, had demanded that an estate, of which he was the buyer, be appraised once and for all, and the seller had done so, he said that he valued it more—and added one hundred thousand sesterces to the price. No one denies that this befit a good man; they deny it befit a wise man, in the same way as if he had sold something for less than he could. Therefore, this very thing is ruinous: that people believe some are good, others are wise. Consequently, Ennius could say:

> In vain is a wise person wise, who cannot benefit himself.[140]

This is truly said, if only Ennius and I could agree on what is beneficial.

(63) Indeed, I see that Hecaton of Rhodes,[141] a pupil of Panaetius, wrote in his books addressed to Quintus Tubero on appropriate action,[142] that when taking into consideration his estate, it befits a wise person to do nothing contrary to the laws, customs, and institutions. We do not desire wealth for ourselves alone, but for our children, relatives, friends, and, especially, the commonwealth; for the resources and abundance of individuals are the wealth of a political community. To one such as Hecaton, the deed of Scaevola, of which I spoke shortly before, can in no way be pleasing; for

surely he denies that he would do something for his own gain *only* if it is impermissible. Upon one such as this, neither great praise nor gratitude must be bestowed.

(64) But whether malicious fraud is pretense or dissimulation, there are very few matters that do not involve malicious fraud; or whether a good man is one who can benefit others, harming no one, we certainly do not easily find such a good man. In sum, it is never useful to transgress, because it is always disgraceful; and, because it is always honorable to be a good man, it is always useful.

(65) As to what is right in the matter of estates, it is solemnly decreed in our civil law that any vices that are known to the seller are to be declared in the sale. In the Twelve Tables it was sufficient that such vices be mended that were explicitly stated by the buyer;[143] if the seller denied these, he paid a double penalty. A penalty has even been established by the jurisconsults[144] for leaving something unsaid; for they have resolved that if the seller should know of any vice an estate may have, unless he explicitly declares it, he ought to mend it. **(66)** For example, when the augurs[145] intended to conduct an augury on the citadel and had ordered Tiberius Claudius Centumalus,[146] who had a house on the Caelian Hill, to demolish the highest part of it, which obstructed the auspices, Claudius advertised the block for sale and Publius Calpurnius Lanarius bought it.[147] The same notice was served to him by the augurs. And so when Calpurnius had demolished it, and came to know that Claudius had advertised the house after he had been ordered to demolish it by the augurs, he compelled him to come before an arbiter, as to "what restitution ought to be made according to the provision 'in good faith.' " Marcus Cato[148] gave his sentiment, the father of our Cato[149]—for as others are named after their fathers, so this father is named after his son who emitted such light—Marcus Cato, as a judge, decreed that since the seller knew of the matter during the sale and did not declare it, he ought to mend the damage to the buyer. **(67)** Therefore, according to the provision "in good faith," what is known to the seller must be known to the buyer. But if Cato judged the matter correctly, then the silence of the grain merchant was incorrect, as was that of the seller of the pestilential house incorrect.

But while all such things left unsaid cannot be encompassed by the civil law, those that can are carefully upheld. Marcus Marius Gratidianus,[150] our relative, had sold a house to Gaius Sergius Orata,[151] a house that originally Marius had bought from Sergius a few years before. The house was subject to an easement,[152] but Marius had not declared this in the contract; thus the matter was brought to court. Crassus[153] defended Orata; Antonius,[154] Gratidianus.

Crassus pressed for what is legal:[155] "The seller had not declared the vice, even though he knew of it."

Antonius insisted on what is equitable: "Since Sergius had known of the vice, as originally he had sold the house, there was nothing necessary to declare; nor had Sergius been deceived, as he had bought something the legality[156] of which he should have remembered."

What is the point of this example?—that you may understand that such astute people were not approved of by our ancestors.

(68) But all such astuteness is destroyed, in one way by the laws, in another by the philosophers: the laws insofar as they can get their hands on it, the philosophers insofar as they can apply their reasoning and understanding. Therefore, reason demands that nothing is done insidiously, nothing fraudulently,[157] nothing deceitfully. Is it not insidious, then, to set traps, even if you do not intend to draw out and drive your prey into them? For often such wild creatures trip them, although no one is pursuing them. Should you likewise advertise a house, put out a sales notice as a trap, so to speak,[158] and allow some imprudent person to trip it? **(69)** Although I see that this is neither considered a disgraceful custom, nor is it solemnly sanctioned by either statute[159] or civil law owing to the depravity of our habits, nevertheless, it is solemnly sanctioned by the law of nature. For although it has been said often, nonetheless still more often it must be said, there is an association that at its furthest extent unites all to all; closer is one between those of the same people; and nearer still is one between those of the same political community.[160] And so our ancestors wished international law to be one thing, civil law another; and while civil law need not be included in international law, international law ought to be included in civil law. But we do not possess an entire and complete portrait of what is truly

right and genuinely just;[161] we use shadows and images.[162] Would that we followed even those! For they are derived from the best examples of nature and truth. **(70)** For such is the excellence of the words "that I may not be caught or deceived by you or your pledge of good faith!" How golden are the words "that one ought to act well and without deceit among good men!" But who these "good men" are and what it means to "act well" is a great query. In fact, Quintus Scaevola, the *pontifex maximus*,[163] said that the greatest force resided in all such arbitrations in which was added the provision "in good faith," and believed the provision for good faith had the widest applicability, extending to guardianships, associations, trusts, commissions, matters of buying, selling, hiring, leasing, matters that preserve communal life.[164] In these judgments, he said, it befits a great judge to establish what ought to be mended by one person for another, especially since there are contrary judgments as to how to decide most of these cases. **(71)** Accordingly, such astuteness must be destroyed,[165] as well as that malice that wishes itself to seem to be prudence, but is far from it and quite distant;[166] for prudence consists in a choice between good and bad things, while malice, if everything that is disgraceful is bad, prefers the bad to the good. In truth, not only in the matter of estates does the civil law, guided by nature, punish malice and fraud, but also in the selling of slaves[167] does it prohibit all fraud on the part of the seller. For according to the edict of the aediles, one ought to know about their sanity, escapes, and thefts.[168] The case is otherwise with heirs. **(72)** Consequently, we may understand that since nature is the source of what is right,[169] the following is according to nature: no one is to act in such a way as to prey upon the ignorance of another. No greater ruin to life can be found than the pretense of discernment in what is actually malice, a pretense from which those innumerable instances are born when useful things seem to conflict with honorable ones. For how few will be found who can abstain from injury when impunity and ignorance[170] in all things are assured!

(73) Let us put this to the test, if you approve, and especially in those examples in which the vulgar multitude of human beings perhaps thinks no transgression occurs. For here we must discuss not murderers, poisoners, forgers, thieves, embezzlers, who must be harassed not with words and the

discussion of philosophers, but with imprisonment and incarceration, but rather we ought to consider what is done by those who are considered good men.

Certain people brought from Greece to Rome the forged will of a rich individual,[171] Lucius Minucius Basilus.[172] In order to more easily achieve their aim, they wrote themselves in as heirs, along with Marcus Crassus[173] and Quintus Hortensius,[174] then the most powerful people.[175] Although these latter suspected the will was forged, since they did not share in the blame, they did not reject the small gains begotten of another's crime. What then? Is it enough that they do not seem to have transgressed? It does not in fact seem so to me, although I loved the one while he was alive, nor do I hate the other now that he is dead. **(74)** But as Basilus had wanted Marcus Satrius,[176] his sister's son, to take his name and make him his heir—I mean the Satrius who was the patron of the Picene and Sabine lands, lands whose assignment of such a patron is a disgraceful acknowledgment of the times[177]—it was inequitable for these preeminent citizens to take possession in substance, while nothing except the name was given to Satrius. For surely since he acts unjustly who, although able, neither defends against nor opposes an injury done to others, as I discussed in the first book,[178] what must we think about a person who not only does not repel but even abets such an injury? In fact, even true inheritances do not seem to me honorable, if they are sought by malicious flattery, or under the pretense rather than the truth of appropriate action.

And yet in such matters sometimes the one is accustomed to seem useful, the other honorable. Falsely; for the standard is the same for utility as it is for honorableness. **(75)** He who does not perceive this, there is no fraud, no crime of which he will be incapable. For in thinking, "That is indeed honorable, but in truth this is expedient," he will dare separate by error what has been joined by nature, which in turn is the source of fraud, wrongdoing, and all crime. And so if a good man should possess such force that if he should snap his fingers, he could insinuate himself into the wills of the rich, he would not use this force, not even if he discovered that absolutely no one would ever suspect. But should you give this same force to Marcus Crassus, so that with a snap of his fingers he could write himself in as an heir, but an

heir with no true claim, believe me, he would have danced in the forum.[179] Now a just human being, and one whom we perceive as a good man, in no way takes from anyone so as to give to himself. He who is amazed at this confesses he does not know what a good man is. **(76)** But in truth if he should wish to unravel this notion[180] enveloped in his own mind, straightaway he would teach himself to be a good man, one who benefits those he can, harming no one unless provoked by injury.[181] What then? Does this individual not inflict harm who, as if by a magic charm, succeeds in displacing the true heirs, inserting himself in their place?

"Should he not, then," someone might say, "do what is useful, what is expedient?"

On the contrary, let him understand that nothing is useful, nothing is expedient, that is unjust. He who has not learned this cannot be a good man.

(77) As a boy I heard my father discuss when the consular Gaius Fimbria[182] acted as a judge in a case involving Marcus Lutatius Pinthia, an honorable enough Roman *eques*,[183] who had deposited a sum to be forfeited, "unless he was a good man." And so Fimbria told Pinthia that he would never render that judgment unless he either robbed a praiseworthy man of his reputation by judging against him, or seemed to maintain someone to be a good man, when such a thing depends upon innumerable laudable and appropriate actions. Therefore, not only Socrates but also Fimbria knew that a good man is one for whom something could in no way seem to be useful that is not honorable. And so such a man will dare not do, nay, not even think of doing something that he would dare not proclaim.

Is it not disgraceful for philosophers to doubt such things that not even rustics doubt? From these things arose that proverb that is now worn out by its antiquity; for when people praise the trustworthiness and goodness of someone, they say he is someone with whom you could play a game in the dark.[184] What is the force of this proverb other than that nothing is expedient that is not proper, even if you could obtain it without objection? **(78)** Do you not see that this proverb grants no pardon either to Gyges, or to him I invented shortly before, who with a snap of his fingers can disregard the inheritances of everyone? For as what is disgraceful can in no way

become honorable, however hidden, so, too, what is dishonorable cannot effect to be useful when it is adverse and opposed to nature.[185]

(79) "But when the rewards are so very great, there is cause for transgression."

When Gaius Marius's[186] hope of obtaining the consulship was remote, it being six years since his praetorship, and it seemed he would never stand for the consulship, he was sent to Rome in his capacity as a legate by his commander, Quintus Metellus.[187] There before the Roman people he accused that outstanding man and citizen of prolonging the war, declaring that if they made him consul, in a short time he would render Jugurtha,[188] either alive or dead, subject to the power of the Roman people. And so he was indeed made consul; but he abandoned trustworthiness and justice, insofar as he brought into envy by a false charge that best and gravest citizen, whose legate he was and by whom he had been sent.[189] **(80)** Not even our relative Gratidianus[190] acted as appropriate for a good man when he was a praetor.[191] The tribunes of the plebs had tasked the college of praetors with establishing by a common decision[192] a standard of currency; for in those times the value of coin was so volatile that no one knew much he had. They wrote in common an edict outlining the penalty and judgment for those who transgressed it, and resolved that all together they would mount the Rostra at noon.[193] When everyone had departed in different directions, straightaway Marius[194] rose from the tribunes' benches to the Rostra, there announcing alone what had been written in common. And if you search into the affair, you will find it brought him great honor; in every street were statutes of him, burning before them were incense, candles. What more needs to be said? No one was ever dearer to the multitude.

(81) These are the things that sometimes confuse us in our deliberation, when there is a case in which equity is violated, a violation that does not seem so great, but what results from it does seem very great. For example, it did not seem disgraceful to Marius to seize the popular gratitude from the college and tribunes of the plebs, since he became consul because of it, as was then his aim, but rather exceedingly useful. But there is one standard for everything with which I desire you to be most familiar: either what seems useful ought not to be disgraceful, or if it is disgraceful, it ought not

to seem useful.[195] What then? Can we judge either the former Marius a good man, or the latter? Disentangle and declutter your understanding of these things, so that you may see what the form and notion of a good man are. Therefore, does it befit a good man to lie for the sake of his own gain, to accuse, to seize, to deceive? Surely nothing less so. **(82)** Is there, then, any affair so great or any advantage so desirable that you should forsake the name and splendor of a good man? What can that so-called utility bring that is comparable to what it takes, if it wrests from you the name of a good man, and strips from you trustworthiness and justice?[196]

Again, do not those who neglect correct and honorable affairs, provided only they can obtain power, do they not do the same thing as that individual who wished to have as a father-in-law one through whose audacity he himself could become powerful?[197] It seemed useful to him to become quite powerful while another incurred the envy. He did not see how unjust, how disgraceful, it was to his fatherland. Moreover, the father-in-law himself always had on his tongue the Greek verses from *The Phoenician Women*, verses that I shall relate as best I can, crude perhaps, but nonetheless able to convey the meaning:

> For if right must be violated, for the sake of ruling
> It must be violated; you may cultivate piety in other things.[198]

Eteocles or rather Euripides deserved capital punishment for these verses, as one who exempted the one thing most criminal of all. **(83)** But why are we assembling such minutiae, fraudulent inheritances, purchases, sales? Behold, I give you one who fervently desired to be king of the Roman people and master of all other peoples—and accomplished it![199] If someone says this longing is honorable, he is insane; for he approves of the destruction of the laws and of liberty, and thinks their foul and detestable suppression glorious. Moreover, he who confesses that it is not honorable to rule over a political community that was and ought to be free, but useful for him who can do it, with what rebuke, or rather with what outcry can I attempt to wrench him from so great an error? For how, by the immortal gods, can a most foul and loathsome parricide of the fatherland be useful to anyone, however much he devotes himself to being named “Father” by

oppressed political communities?[200] Utility, then, must be guided by honorableness, and indeed to such an extent that these two things that seem to be discordant in speech sound as one in substance.

(84) In the opinion of the vulgar multitude, I do not know what could be of greater utility than to rule;[201] and yet when I bring my reasoning to bear upon the truth, I can find nothing more useless for him who obtained it unjustly. For how can these things be useful to anyone—anguish, anxiety, fear day and night, a life replete with treachery and danger? As Accius says,[202]

> Many are iniquitous and untrustworthy to a kingship; few have goodwill.[203]

And which kingship is referenced? One held by right and handed down by Tantalus and Pelops.[204] How many more such people do you think existed for that king, who with an army of the Roman people oppressed that very Roman people, and compelled a political community to serve him, one that was not only free, but even commanded entire peoples? **(85)** What stains of guilt[205] do you suppose he had on his mind, what wounds?[206] How could his life have been useful, when the terms were such that whoever claimed it incurred the greatest gratitude and glory? But if these things that seem especially useful are not, then we ought to be persuaded that nothing is useful that is not honorable.

(86) Although this often has been judged the case, it was especially thought so in the war with Pyrrhus by Gaius Fabricius, then twice consul, and by our Senate.[207] For in the midst of King Pyrrhus waging war unprovoked against the Roman people, and our struggle with this noble and powerful king over rule, a deserter came into the camp of Fabricius and promised that if he was offered a reward, as secretly as he had come, so would he return to the camp of Pyrrhus and kill him with poison. Fabricius arranged for him to be returned to Pyrrhus, and his deed was praised by the Senate. And yet if we seek the appearance and opinion of what is of utility, one deserter could have ended a great war and a grave adversary to our rule; but it would have been greatly improper and obscene to overcome one with whom we were struggling over glory,[208] not with virtue, but with crime.

(87) Therefore, was it more useful either to Fabricius, who was as excellent an individual in this city as Aristides[209] was in Athens, or to our Senate, which never separated utility from dignity, to combat the enemy with arms or with poison? If rule must be pursued for the sake of glory, let crime be absent, in which there cannot be glory; but if this very influence is pursued by any means, it cannot be useful when begotten by infamy.

The proposal[210] of Lucius Philippus,[211] the son of Quintus, was therefore not useful. He proposed that the political communities that Lucius Sulla,[212] in accordance with senatorial decree, had freed from taxation in return for a sum of money, again be made subject to taxation, but not to return the money to them that they had given for their liberty.[213] The Senate agreed to it. Such disgraceful rule! For the trustworthiness of pirates is better than our Senate.

"But revenue was increased; therefore it was useful."

How long will people dare to say that something is useful that is not honorable? **(88)** Moreover, how can hatred and infamy be useful to any rule, a rule that ought to rest upon glory and the goodwill of allies? I often disagreed even with my friend Cato[214] on this matter. He seemed to me to inflexibly defend matters of treasury and taxation, while refusing everything to our publicans, much to our allies, when toward the latter we ought to have been beneficent, toward the former we should have behaved as we are accustomed to with our tenants, nay, all the more so as the unity of the social orders[215] pertains to the safety of the commonwealth.[216] Curio[217] also acted badly when he said that the cause of the Transpadani was equitable,[218] but then always added: "Let utility prevail." I would have rather he taught that it was inequitable because it was not useful to the commonwealth, than when he said it was not useful but confessed it was equitable.

(89) The sixth book of Hecaton[219] on appropriate actions is full of such queries, such as whether the domestics of a good man should remain unfed when grain is most dear. He argues on both sides, but nonetheless in the end guides appropriate action more by what he thinks are considerations of utility than by humanity. He asks[220] whether if something must be thrown

overboard at sea, it should rather be an expensive horse or a cheap little slave. Here our estate draws us one way, our humanity another.

"If a fool seizes a plank of wood from a shipwreck, will a wise person wrest it from him if he can?"[221]

He denies it, as it would be injurious.[222]

"Again, will the owner of the ship snatch what is his?"

"Not at all; no more so than if he should wish to throw a passenger overboard at sea because the ship is his. Until the ship arrives at its destination, it belongs to the passengers, not the owner."

(90) "Again, if there is one plank of wood, two people from a shipwreck, and both are wise, will both grab for it, or will one yield to the other?"

"In truth, the one will yield to the other whose life is of greater worth either in itself or for the sake of the commonwealth."

"What if both are equal in these respects?"

"Then there will be no struggle, but one will yield to the other, as if defeated by lot or in a game."

"Again, if a father plunders a temple, digging an underground tunnel to its treasury, will the son inform the magistrates of it?"[223]

"Now that is unrighteous. No, he should defend his father if the deed was disclosed."

"Then the fatherland does not take precedence over all other appropriate actions?"

"On the contrary, it is truly advantageous to that fatherland to have citizens who behave piously toward their parents."

"Once again, if a father intends to impose a tyranny, if he intends to betray his fatherland, will the son remain silent?"

"On the contrary, he will truly implore his father not to do it. If nothing comes of it, he will denounce him, threaten him even. In the end, if he views the matter as ruinous to the commonwealth, he will prefer the safety of his fatherland to the safety of his father."

(91) He also asks,[224] if a wise person imprudently accepts counterfeit coins instead of good ones, when he learns of it, will he spend them as if they were good on any debt he may have? Diogenes[225] assents, Antipater[226] refuses; I rather agree with the latter. Suppose someone knowingly sells

wine soon to spoil, ought he to say something? Diogenes thinks it unnecessary; Antipater believes it is for a good man. These are the principles that are disputed among the Stoics as to what is right.[227] In the sale of a slave,[228] ought his vices to be stated, not those that unless stated he is returned according to the civil law, but such as whether he is a liar, a gambler, a thief, a drunk? It seems they ought to be stated to the one; it does not seem so to the other. **(92)** If someone who is actually selling gold thinks he is selling brass, will a good man inform him of it, or buy for a denarius what is worth a thousand denarii? By now it is evident both what seems correct[229] to me, and what disputes exist among the philosophers I have named.

Must agreements and promises always be kept that have been made "neither by force nor by malicious fraud," as the praetors are accustomed to say?[230] Suppose one person gives another medicine for dropsy, and stipulates that if the latter is made well by this medicine, he may not use it thereafter; suppose he is made well by the medicine, and a few years later he succumbs to the same illness, but cannot obtain permission to use it again from the one who stipulated the terms, what ought he to do? Since he will not yield, he is inhuman, and no one does him an injury by looking to his own life and safety. **(93)** Again, suppose a wise person is asked by someone who is willing to make him his heir, leaving him one hundred million sesterces in his will, to dance by light openly in the forum before he can take possession of the inheritance; and suppose he promised to do it, for otherwise he would not be written in as the heir; should he do it or not? I would prefer he had not promised, and judge such a refusal befitting his dignity; but since he promised, if he considers it disgraceful to dance in the forum, it is more honorable to lie and take nothing from the inheritance than to take it—unless by chance he contributed that money to the commonwealth owing to some great circumstance. Since he would be looking to the interests of his fatherland, even such dancing is not disgraceful.[231]

(94) In addition, not even those promises must be kept that are not useful to those to whom you promised them.[232] The Sun told his son Phaeton, to revert to fables, that he would grant whatever Phaeton wished. He wished to

soar in his father's chariot; soar he did; but before he could stop, he was incinerated by a bolt of lightning. How much better would it have been for his father not to have kept his promise? Again, what promise did Theseus extract from Neptune? When Neptune had given him three wishes, he wished for his son Hippolytus to die, as the son was mistrusted by his father owing to his stepmother. The wish was granted, and Theseus fell into the greatest of grief.[233] **(95)** Again, since Agamemnon had vowed to Diana the most beautiful thing born that year in his kingdom,[234] he sacrificed Iphigenia; for there was nothing born that year more beautiful than she. He should not have kept his promise rather than permit so foul a crime.[235]

Sometimes, then, even promises ought not to be kept, nor deposits always returned.[236] If someone deposits a sword with you while of sound mind,[237] then demands its return while insane, it is a transgression to return it, the appropriate action being not to return it.[238] Again, if someone deposits money with you, then makes war on your fatherland, should you return the deposit? I do not believe so; for you would act against the commonwealth, something that ought to be most dear. Thus many things that seem to be honorable by nature become dishonorable owing to circumstance.[239] To keep promises, to stand by agreements, to return deposits, when their utility changes, then they become dishonorable.

I judge enough has now been said about these things that under the pretense of prudence seem to be of utility, but are actually contrary to justice. **(96)** But since in the first book we derived appropriate actions from four sources of honorableness, let us consider these same four in turn, then teach how things that seem to be useful but are not are inimical to virtue. We have discussed prudence, which malice wishes to imitate, and likewise justice, which is always useful.[240] There remain two parts of honorableness, one of which is discerned in the greatness and excellence of an outstanding spirit, the other in the shaping and moderating of it by restraint and temperance.[241]

(97) Ulysses's plan seemed useful to him, as related by the tragic poets[242] —for there is no such suspicion of Ulysses found in Homer, our best author —but in the tragedies he is accused of wishing to evade military service under the pretense of insanity.

"His plan was not honorable but useful," perhaps someone might say, "insofar as he could continue to rule and live leisurely in Ithaca with his parents, with his wife, with his son. Do you think that any propriety such as consists in daily labors and dangers can compare with this tranquillity?"

I truly judge that such tranquillity must be despised and rejected, since what is not honorable is not even useful. **(98)** For what do you think Ulysses would have heard said about him, if he had persisted in that pretense? Ulysses who, even though he had accomplished the greatest things in war, nonetheless still heard Ajax say:

> He who was the first to swear the oath,
> As you know, alone disregarded his good faith.
> He insisted upon pretending madness, so as not to have to muster.
> Had not the penetrating prudence of Palamedes
> Perceived the malicious audacity of that one,
> He would have forever cheated his oath consecrated by good faith.[243]

(99) In truth, it was better for him to contend with the enemy, in truth even with the waves,[244] than to abandon a Greece united in waging war against the barbarians.

But let us dismiss both fables and foreign affairs; let us come to our own past affairs. When Marcus Atilius Regulus,[245] then twice consul, was captured through treachery by the Lacedaemonian Xanthippus[246]—although the commander was Hamilcar, the father of Hannibal[247]—Regulus was sent to the Senate, having sworn that unless certain captured Phoenician nobles were returned, he himself would return to Carthage. When he came to Rome, he saw what appeared to be useful,[248] but, as the affair reveals, he judged it spurious. It was something of this sort: to remain in his fatherland, to be in his own house with his wife, with his children, to judge the disaster he had suffered as common to the fortune of war, to maintain the dignity of his consular standing. Who would deny these things are useful? Whom do you suppose? Greatness of spirit and courage deny it. Surely you do not seek more credible[249] authorities? **(100)** For it is characteristic of these virtues to fear nothing, to despise all human

concerns, to think nothing intolerable that can befall a human being. And so what did he do? He came into the Senate, explained his mandate, and then refused to vote on the matter,[250] saying that for as long as he was held by his sworn oath to the enemy, he was not a senator. And he even denied—

"Foolish human being," someone might say, "opposing his own utility!"

—he denied that the return of the captives was useful; for they were still in adolescence and good leaders, while he was already spent with old age. His authority prevailed; the captives were retained; he himself returned to Carthage. Neither the love of his fatherland nor that of his own family[251] could detain him. Nor in truth was he ignorant of the fact that he set out to the cruelest of enemies, to excruciating torture, but he thought that his sworn oath ought to be kept. And so even as he was being slowly killed by sleep deprivation, he was better off than had he remained at home, an old man who had been captured, a consular who had perjured himself.[252]

(101) "But he was foolish, not only in supposing the captives should not be sent back, but in truth even in arguing against it."

In what way was he foolish? Even if it was advantageous to the commonwealth? Moreover, can what is useless to the commonwealth be useful to any citizen?[253]

Human beings undermine the things that are fundamental to human nature[254] when they separate utility from honorableness; for all desire what is of utility and are carried away by it, nor can we in any way do otherwise. For who is there who would shun useful things? Nay, rather, who is there who does not fervently pursue them? But since we can never find useful things except in approbation, propriety, honorableness, since we consider them our first and highest aims, we regard the name of utility not so much as noble as necessary.

(102) "What, then," someone might say, "is there to a sworn oath? Do we fear Jove's anger?[255] But in fact it is the common opinion[256] of all philosophers, not only those who say a god is neither troubled himself nor causes trouble for another, but even those who wish a god always to be doing or undertaking something,[257] all say a god is incapable of anger or harm.[258] Moreover, what could an angry Jupiter do to harm Regulus more

than Regulus did to harm himself? Thus there is no force underlying religion such as could undermine utility.

"Or was the oath taken lest he act disgracefully? First, 'Choose the least among ills.'[259] Thus disgrace is a lesser ill than torture. Next, consider also the verses from Accius:

> 'Did you break your good faith?'
> 'I neither gave it then nor give it now to anyone lacking good faith.'[260]

Although this is said by an impious king, nonetheless it is well said."

(103) They also add that as we ourselves say that certain things seem useful but are not, so they say that certain things seem honorable but are not honorable; thus it seems honorable to have returned to face torture for the sake of a sworn oath, but it happens to be dishonorable because what was compelled through force by an enemy ought not to have been legitimate. They also add that whatever is exceedingly useful becomes honorable, even if it did not seem so before.

These are very nearly the things said against Regulus. But let us look at the first ones.

(104) "He should not have feared that Jupiter would harm him in anger, Jupiter who is accustomed neither to become angry nor to harm."

In fact this reasoning is no more valid against Regulus than it is against all sworn oaths. But with respect to sworn oaths, what ought to be considered is not what fear but what force underlies them. For a sworn oath is a religious affirmation; and it is what you promised with this affirmation and, as it were, with a god as your witness, which must be kept.[261] What is relevant here is not the anger of the gods, which there is none, but justice and trustworthiness. For as Ennius superbly says,

> Generous Great-Winged Good Faith, a sworn oath vouchsafed by Jove.[262]

He who violates a sworn oath, then, violates Good Faith, whom our ancestors wished to dwell on the Capitol near Jupiter Best and Greatest, as a speech of Cato's reveals.[263]

(105) “But not even an angry Jupiter could have harmed Regulus more than Regulus harmed himself.”

Certainly, if there is nothing bad except pain.[264] But philosophers with the greatest authority not only assert that it is not the greatest ill, but even that it is no ill at all.[265] Regulus is no ordinary[266] witness; indeed I should not wonder if he were the very gravest, so I ask you not to condemn him. For what more credible[267] witness do we seek than one preeminent among the Roman people, one who voluntarily submitted to torture for the sake of observing appropriate action?

As for those who say “Choose the least among ills,” that is, “Choose disgracefully rather than disastrously,” is there anything worse than disgrace? If there is something offensive about a deformity of the body, how much more so ought the depravity and foulness of a corrupt spirit seem? **(106)** And so those who are bolder in discussing these things dare to say that what is disgraceful is the only ill, while those who are more indulgent have no doubt in saying that it is the greatest ill.[268]

As for the verse “I neither gave it then nor give it now to anyone lacking good faith,” it was correctly said by the poet, because in representing Atreus, he had to keep to his role.[269] But if they themselves assume that good faith need not be observed with one lacking good faith, they should take care lest they seek a refuge for perjury.

(107) Moreover, there are laws of warfare,[270] and often good faith must be observed in oaths sworn to an enemy. For what was sworn must be observed if the mind[271] perceives that it ought to be done; otherwise, there is no perjury if it is not done.[272] For example, if you do not deliver an agreed-upon ransom for your life to pirates, there is no deceit, not even if you swore to do it and do not. For a pirate is not numbered among those designated an enemy proper, but is the common foe of all; thus there is no common ground for good faith or sworn oaths. **(108)** It is not perjury to swear falsely, but if you swore “according to the innermost sentiment of your mind,”[273] as we customarily express it, it is perjury not to do it. As you know, Euripides said:

I swore with my tongue; my mind[274] remains unsworn.[275]

Regulus truly should not have confounded the terms and agreements made with an enemy in war by perjuring himself.[276] For since the conflict was joined with the enemy justly and legitimately, with one such as this stood the whole of the fetial law and many right principles shared in common. Were it not the case, the Senate would never have given such illustrious men in chains to the enemy. **(109)** By contrast, when Titus Veturius and Spurius Postumius[277] in their second consulship had fought badly at Caudium, our legions had been sent under the yoke, and they had made peace with the Samnites, they were in truth surrendered to the Samnites because they had made peace without the order of the people and the Senate. In order to repudiate this peace, Tiberius Numicius and Quintus Maelius,[278] then tribunes of the plebs, were surrendered at this same time, since the peace had been made under their authority. And this very Postumius who was surrendered was the advocate and author of his surrender. This same thing occurred many years later when Gaius Mancinus,[279] who had made a treaty with the Numantines without the authority of the Senate, urged a proposal that he be surrendered, one that Lucius Furius and Sextus Atilius[280] carried in accordance with a senatorial decree, one that was passed, surrendering Mancinus to the enemy. He acted more honorably than Quintus Pompeius,[281] on account of whose entreaties a comparable law was not passed in the same situation. In this example, what seemed to be of utility prevailed more than honorableness; in the preceding ones, the false appearance of utility was overcome by the authority of honorableness.

(110) "But what was compelled by force ought not to have been legitimate."

As if force could truly be brought to bear upon a courageous man![282]

"Why then did he set out to the Senate, especially since he intended to dissuade them from returning the captives?"

You reproach what is greatest about his deed. For he did not rely upon his own judgment, but undertook the journey so that the judgment might be the Senate's; had he himself not been the author of their decision, the captives would surely have been returned to the Phoenicians, and he would have remained safe in his fatherland. But since he thought this was not useful for

his fatherland, he therefore believed it was honorable for himself to make the proposal he did and endure the consequences.

As for those who say that whatever is exceedingly useful becomes honorable, on the contrary, it does not *become* useful; in truth it *is* useful.[283] For nothing is useful that likewise is not honorable, nor is it honorable because useful, but useful because honorable.

Thus from many extraordinary examples, it would by no means be easy for someone to say that there was either a more praiseworthy or a more excellent example than this one.

(111) But with respect to all this praise of Regulus, this one thing is worthy of admiration: he supposed that the captives ought to be kept. The fact that he returned now seems extraordinary to us, yet in those times he could not have done otherwise. And so that praise is not for the human being, but for the times;[284] for our ancestors wished that no bond should bind good faith more tightly than a sworn oath. This is indicated in the laws of the Twelve Tables, indicated in everything consecrated, indicated in the treatises in which good faith is binding even to an enemy, indicated in the notions[285] and notices of the censors, whose judgments are nowhere more careful than in the matter of a sworn oath. **(112)** When Lucius Manlius[286] was dictator, Marcus Pomponius,[287] then tribune of the plebs, indicted him on the charge that he had extended his dictatorship by a few days; he also accused him of secluding his son Titus, afterward called Torquatus,[288] from the company of other human beings, ordering him to reside in the countryside. When the adolescent son heard of the trouble being caused to his father, it is said he hastened to Rome, and arrived at the house of Pomponius at first light. This was announced to Pomponius, who, judging that the angry adolescent intended to bring him something against his father, rose from his couch, dismissed any witnesses, and ordered the son to come to him. But when the son entered, he immediately drew his sword and swore that he would kill Pomponius then and there, unless he gave him a sworn oath that he would dismiss his father from the charges. Compelled by terror, Pomponius swore. He brought the matter before the people, showed cause for why it was necessary for him to desist, and dismissed Manlius from the charges. Such was the strength of a sworn oath in those times. And this is the very Titus

Manlius who was challenged by a Gaul and killed him at the Ario, thus acquiring his name from the collar (*torque*) he tore from the Gaul's neck; in whose third consulship the Latins were scattered and routed at Veseris; an especially great man, who was very indulgent with this fatherland, likewise severely harsh with his son.[289]

(113) But as Regulus ought to be praised for keeping his sworn oath, so, too, ought those ten whom Hannibal sent to the Senate after the battle of Cannae,[290] who swore that unless they secured the return of captives, they would return to the camp occupied by the Phoenicians; these ten ought to be condemned, if indeed they did not return. Not all give the same account about them. For Polybius,[291] an especially good author, says that of these ten exceptionally noble people who were sent, nine returned, not having secured the captives from the Senate; but that one of the ten who set out from the camp returned shortly after, as if he had forgotten something, and this one remained in Rome. For by returning to the camp, he incorrectly inferred that he had freed himself from his sworn oath. But fraud only intensifies perjury; it does not nullify it. Therefore, this was foolish cunning, perversely imitating prudence.[292] And so the Senate decreed that this clever and cunning individual should be bound and led back to Hannibal.[293] **(114)** But this is the greatest thing. Hannibal held eight thousand human beings whom he had not captured in battle, whom the danger of death had not routed, but who had been abandoned in camp by the consuls Paullus and Varro.[294] The Senate supposed they should not be ransomed, although it could have been done with but a little money, so as to induce our soldiers either to conquer or to perish. This same Polybius writes that when Hannibal heard this it broke his spirit, because even in such a wretched state of affairs the Senate and the Roman people displayed so lofty a spirit.[295] Thus things that seem useful are conquered when compared to honorableness. **(115)** Moreover, Gaius Acilius,[296] who wrote his history in Greek, says that there were many who returned to the camp by means of the same fraud so as to free themselves from their sworn oaths, all of whom were branded by the censors with all possible ignominy.

Let that be the end of this subject. For it is evident that these things that are done by a spirit timid, base, low, broken—as Regulus's deed would

have been, had either his proposal about the captives been in his own interest and not the commonwealth's, or had he wished to remain at home—these things are not useful because they are flagitious, foul, disgraceful.[297]

(116) The fourth part remains, comprising propriety, moderation, discretion, restraint, and temperance. What, then, could be useful that is contrary to such a chorus of virtues? And yet the Cyrenaics who take their bearing from Aristippus,[298] as well as the so-called Annicerii philosophers,[299] posit all good in pleasure, and suppose virtue must be praised because it produces pleasure. While they have become obsolete, Epicurus now flourishes, an adherent and author of the same sentiment.[300] We must contest these people "on foot and on horseback,"[301] as it is said, if our own sentiment is to defend and uphold honorableness. **(117)** For if not only utility but even the whole of a blessed life consists in a robust constitution of the body and a confident hope in its continuation, as has been written by Metrodorus,[302] then such utility, and a utility that they suppose is of the highest sort, will conflict with honorableness.

First of all, what place will be given to prudence? Is it to hunt high and low for gratification? How miserable a servitude for virtue to serve pleasure! Moreover, what will be the function of prudence? Is it to intelligently choose pleasures? Grant that nothing is more pleasant than this, what can conceivably be more disgraceful? Again, he who says that pain is the greatest ill, what place is there in his view for courage, which is contempt for pains and labors?[303] For however much in however many places Epicurus may speak courageously enough about pain, as he does speak, nevertheless, we must look not at what he says but at what is consistent for one who says that good things are limited to pleasure, bad ones to pain. The same applies if I should hear him speak about restraint and temperance, as he does indeed say many things in many places, but "the water is stagnant," as they say. For who can praise temperance who posits the highest good in pleasure? For temperance is inimical to lusts, while lusts are adherents of pleasure.

(118) But with respect to these three kinds of virtue,[304] they nonetheless equivocate however they can, and not unskillfully. Prudence they present as knowledge of furnishing pleasures and repelling pains.[305] Courage too they

explain in a way by consigning its reasoning to the indifference to death and the endurance of pain.[306] Even temperance they introduce, not at all easily, but nonetheless however they can; for they say that the magnitude of pleasure is limited to the removal of pain.[307] Justice totters, or rather lies prostrate,[308] as do all these virtues that are discerned in a sense of community and in the association of the human race. For neither goodness nor liberality nor gentility is possible, no more so than friendship,[309] if these things are not desired for their own sake, but in reference to pleasure or utility.

(119) Let me summarize in a few words. For as I have taught that there is no utility that is contrary to honorableness, so, too, have I said that all pleasure is contrary to honorableness. All the more, then, do I judge that Calliphon and Dinomachus[310] ought to be reproached, who thought they would dissolve the controversy if they coupled pleasure with honorableness, as if a brute beast with a human being. Honorableness does not accept such a union; it spurns it, rejects it. Nor in truth can the end of good and bad things, which ought to be single, be mixed and blended from dissimilar things. But with respect to this subject, which is a great one, I have said many things elsewhere.[311] Now let us return to our proposition.

(120) We have sufficiently discussed above how the matter must be adjudicated if ever what seems to be of utility conflicts with honorableness. But if pleasure is also said to have the appearance of utility, there can be no union of it with honorableness. For even if we attribute something to pleasure, it will perhaps provide a bit of spice, but certainly nothing of utility.[312]

(121) Marcus, my son, here is an offering[313] from your father, a great one indeed in my sentiment, but only to the extent that you accept it. Still, these three books must be accepted, as if guests, among the commentaries of Cratippus. Had I come to Athens, as I indeed would have, had not our fatherland recalled me with a clear voice in the middle of my journey,[314] you would have heard me discuss these things at length; but now my voice reaches you in these volumes, volumes on which you should bestow as much time as you can, that is, as much time as you can and wish.[315] When I truly perceive that you enjoy this kind of knowledge, then I shall speak with

you about it both soon in person, as I hope, and for as long as you are away, from afar. Goodbye, my Cicero, and know that you are *most* dear to me, but you will be dearer still if you find delight in examples and precepts such as these.

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[1] Viz., Marcus Porcius Cato the Elder. The epigram is probably from his *Apophthegmata*. See also Cicero, *On the Commonwealth* 1.27.

[2] For Publius Cornelius Scipio Africanus Major, see the note under 2.80.

[3] See Cicero, *On the Commonwealth* 1.27.

[4] See Aristotle, *Nichomachean Ethics* 1109a33.

[5] Latin: *voluntas*. Literally: "will." See Cicero, *Academics* 2.6.

[6] Latin: *munus*. Literally: "duty." While it is much too awkward to translate *munus* here as "duty," conceptually the idea remains the same. A classical political philosopher such as Cicero maintained man to be a political animal; thus man's activities in some way ought to contribute to the political good. And so even in leisure or solitude, Africanus contemplated matters that might have been of utility to his commonwealth. But since he did not write them down, there is no testament to such a contemplative fulfillment of his "duty." See the glossary entry "duty."

[7] See 1.4

[8] For Cratippus of Pergamum, see the note under 1.1.

[9] See 2.9 and 3.81.

[10] Latin: *dedecorantem*. Literally: "acting improperly [with respect to . . .]."

[11] See 1.6 and 2.60.

[12] Latin: *si id, quod speciem haberet honesti, pugnaret cum eo, quod utile videretur, quomodo ea discerni oporteret.* Literally: "if something which has the appearance of the honorable conflicts with something which seems to be useful, how one ought to decide between them." See 1.10.

[13] For Posidonius of Apamea, see the note under 1.159.

[14] Latin: *locuples*. Literally: "rich."

[15] For Publius Rutilius Rufus, see the note under 2.47.

[16] Apelles (fl. 4th century BC) was a renowned Greek painter. He painted portraits of Philip II of Macedon and Alexander the Great, among others.

[17] See 1.6, 2.10, 3.20, 3.33, 3.35.

[18] See 1.6., 3.20, 3.33, 3.35.

[19] While Cicero may agree with the Peripatetics that honorableness is of greater importance than utility, it is exceedingly questionable whether he views utility to be of small importance. Consider his statement in 2.20: "If my speech [on utility] is overlong, let it be compared to the magnitude of utility —then it will seem, perhaps, all too brief."

[20] See 3.34. See also Cicero, *On the Laws* 1.33. This statement is not related by either Plato or Xenophon, but attributed by Clement of Alexandra to the Stoic Cleanthes. Thus the reader must consider whether or not this is a peculiarly Stoic portrayal of Socrates. See Clement of Alexandra, *Miscellanies* 2.22.

[21] Latin: *quod ea efficiens utilitatis esset*. Literally: "because it could bring about [something of] utility."

[22] Viz., the Epicureans. See 1.5, 3.18, 3.105, 3.116–120.

[23] Why does Cicero himself continually introduce such a deliberation throughout the first two books, let alone include the entire third? Consider that while Cicero does not judge honorableness solely on the criteria of whether it produces pleasure or reduces pain, he does concede that, first, honorableness is sometimes useful; second, the appearance of honorableness is sometimes necessary; and, third, necessity sometimes requires useful things or pursuits that in themselves are not honorable. Thus he continually insinuates that there is a conflict between honorableness and utility in the first two books, as well as includes the whole of the third book. For the first concession, see the whole of book 2, but especially 2.17–18, 2.21–22, 2.65, 2.69ff., 2.77; for the second, see especially 2.39ff. and 2.44; and for the third, see 2.19–20, 2.56–60.

[24] See 2.35.

[25] See 2.7–8.

[26] See Cicero, *On Ends* 3.24.

[27] See 1.8 and 1.101.

[28] Latin: *usu*. Literally: "use."

[29] Viz., the Stoics.

[30] For the two Decii, see the note under 1.61.

[31] For the two Scipios, Gnaeus and Publius, see the note under 1.61.

[32] For Gaius Fabricius Luscinus, see the note under 1.40.

[33] Aristides (late 6th century–ca. 467 BC) was an Athenian general and statesman. He was a general in 490 BC and an archon in 489 BC. In 482 BC he was ostracized, apparently owing to a political conflict with Themistocles. However, he was recalled two years later to defend Athens along with Themistocles from Xerxes's invasion. He helped win the battle of Salamis in 480 BC, and was the architect of Athens' Delian League. His reputation for honesty was such that he was named the "Just."

[34] For Marcus Porcius Cato, see the note under 1.37. See Cicero, *On Old Age* 4, where Cato is called "wise." While Cato the Elder seems to be the reference intended, it is an open question whether Cato the Younger, Cicero's contemporary and the advocate of Stoicism in his *On Ends*, books 3 and 4, is not also implied.

[35] For Gaius Laelius Sapiens, see the note under 1.90. See 2.40, as well as Cicero, *On Friendship* 7, where Laelius is called "wise."

[36] The Seven Wise Men of Greece were Bias of Priene, Chilon of Sparta, Cleobulus of Lindos, Pittacus of Mytilene, Periander of Corinth, Solon of Athens, and Thales of Miletus.

[37] Viz., the Epicureans. See 1.5, 3.12, 3.105, 3.116–120.

[38] See 1.31–32, 3.32, 3.92–95.

[39] Latin: *hominem . . . occidere*. See the note under 2.89.

[40] See 1.6, 2.60, 3.7.

[41] For the Old Academy, see the glossary entry "Academics."

[42] See 1.6, 3.11, 3.33, 3.35.

[43] Viz., the Stoics. See 1.6, 2.10, 3.11, 3.33, 3.35.

[44] Viz., the New Academy. For the New Academy, see the glossary entry "Academics." See also the introductory and fifth sections of the interpretative essay.

[45] See 2.7–8 and 3.33.

[46] See Xenophon, *Memorabilia* 2.3.18.

[47] Latin: *iure gentium*. Literally: "by what is right according to [all] peoples" or "[all] nations." I have translated *ius gentium* as "international law" to better contrast it with *ius civilis*, "what is right according to a [given] political community," or "civil law." See the glossary entry "right."

[48] Latin: *sed etiam legibus populorum, quibus in singulis civitatibus res publica continetur*. Literally: "but also by the laws of peoples, by means of which a commonwealth is preserved in individual political communities." *Ius gentium*, "international law," is here contrasted with *leges populorum*, "the [individual] laws—" or "statutes of [individual] peoples." I have taken a bit of license with the translation to better illustrate the meaning.

[49] See especially 3.27–28, 3.52. See also Cicero, *On the Laws* 1.23.

[50] Latin: *vita*. Literally: "life." However, the concept here is "*mere* life."

[51] Compare the first clause of this precept, which is consistent with much of classical political philosophy and emphasizes magnanimity and liberality, with those of Hobbes and Locke, which are consistent with much of modern political philosophy and emphasize mere life and comfort. See especially Hobbes, *Leviathan*, chaps. 13 and 17; Locke, *Second Treatise of Government*, chap. 8.

Compare also the third clause of this precept with Hobbes's own in *Leviathan*, chap. 14: "And because the condition of man . . . is a condition of war of everyone against everyone (in which case everyone is governed by his own reason and there is nothing he can make use of that may not be a help unto him in preserving his life against his enemies), it followeth that in such a condition every man has a right to everything, even to one another's body." Quoted from Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis, 1994).

[52] Latin: *hominum fama*. Literally: "according to the rumor of human beings."

[53] Viz., his Twelve Labors. See Cicero, *On Ends* 3.65–66; *Tusculan Disputations* 1.28.

[54] See 3.52.

[55] Latin: *omnium utilitatem esse communem*. Literally: "the utility of all is common." In other words, as members of the same human race, what is useful to one person is the same as what is useful to another.

[56] See Cicero, *On Ends* 3.63.

[57] The text is corrupt, and editors believe several words are missing. What remains after "or even his very spirit" is *quae vacant iustitia*, "things that are devoid of justice." I have translated the passage as the beginning of the next sentence, "Such [actions] are devoid of justice . . ."

[58] Compare this statement with the one made in 1.153: "And yet preeminent among all the virtues is *wisdom*."

[59] The next sentence is believed by scholars to be an interpolation. See Dyck, *A Commentary on Cicero, De officiis*, 532–33. The sentence in question: "Not at all, in truth; for my life is not more useful to me than the disposition of my spirit, a disposition such that I violate no one for the sake of my own advantage."

[60] For Phalaris, see the note under 2.26.

[61] Latin: *appetitio*. Literally: "[having] an appetite [for]."

[62] Latin: *res ad vivendum necessariae*. Literally: "the things necessary for living."

[63] See Aristotle, *Rhetoric* 1389b36.

[64] See 1.157. See Cicero, *On the Commonwealth* 2.48.

[65] See 1.31–32, 3.18–19, 3.92–95.

[66] See 1.6, 2.10, 3.11, 3.20, 3.35.

[67] For Cratippus of Pergamum, see the note under 1.1.

[68] See 1.6, 3.11, 3.20, 3.35.

[69] See 2.7–8 and 3.20.

[70] See 3.11.

[71] See 2.37: "Life, death, wealth, poverty—these things most viscerally concern all human beings."

[72] See Cicero, *On the Laws* 1.45.

[73] See 1.6, 2.10, 3.11, 3.20, 3.33.

[74] For Zeno of Citium, see the note under 1.6.

[75] See 1.6, 3.11, 3.20, 3.33.

[76] Compare this statement with the one made at 2.35, as well as in *Tusculan Disputations* 5.10–11, included in the note under 2.35.

[77] See Plato, *Republic* 359cff. See also Herodotus, *Histories* 1.7ff.

[78] Latin: *beneficio*. Literally: "favor."

[79] Compare this statement with the one made in 1.13: "Especially peculiar to the human being is the examination and investigation into the truth. And so when we are free from necessary business and concerns, we then crave to see, hear, and learn something. We consider inquiry into either hidden or admirable things necessary for a blessed life."

[80] Would not the unnoticed unjust actions of a supremely clever individual effectively be the same as those committed with a ring of invisibility? See Cicero, *On the Commonwealth* 3.12–27; *On the Laws* 1.41; *On Ends* 2.51–59.

[81] All three instances of "ask" in 3.39 are from the verb *quaerere* and literally mean "to seek." See the note under 3.56.

[82] Lucius Junius Brutus (fl. 6th century BC) was one of the founders of the Roman Republic. He was said to have been instrumental in the overthrow of the Tarquin kings, and, along with Lucius Tarquinius Collatinus, became one of the first consuls in 509 BC.

[83] Latin*: imperium*. Literally: "rule." The rule in question was Collatinus's consulship.

[84] Lucius Tarquinius Collatinus (fl. 6th century BC) was one of the founders of the Roman Republic. When his wife, Lucretia, was raped by King Lucius Tarquinius Superbus, he aided Lucius Junius Brutus in the overthrow of the Tarquin kings. Along with Brutus, he became one of the first consuls in 509 BC. See Cicero, *On the Commonwealth* 2.53.

[85] Lucius Tarquinius Superbus (fl. 6th century–510 BC) was the last Roman king. He was traditionally said to be an arrogant man ("Superbus"), an arrogance that lead him to rape Lucretia, the wife of Lucius Tarquinius Collatinus. For his crime he was dethroned and exiled from Rome. He returned at the head of an army, was defeated, and escaped to Cumae, where he died.

[86] Romulus (fl. 8th century BC) was the traditional founder of Rome, along with his brother Remus. He is said to have murdered his brother when Remus jumped over the newly built city walls. After ruling forty years as the first Roman king, he is said to have ascended into the heavens, where he became the god Quirinus.

For Cicero's opinion on the godhood of Romulus, compare *On the Commonwealth* 2.17–18 with 2.20 and 2.33–34. See also *On the Laws* 1.3–5.

[87] Chrysippus (ca. 280–207 BC) was a Greek Stoic philosopher. He was the third head of the Stoa, and wrote voluminously on Stoicism.

[88] See Aristotle, *Nicomachean Ethics* 1169a26.

[89] See also Aristotle, *Nicomachean Ethics* 1169a18.

[90] Latin: *mentem*. See the note under 1.105.

[91] See Cicero, *On Friendship* 38ff.

[92] Latin: *in sapientibus viris perfectisque*. Literally: "between men wise and complete." However, as it is understood that such men are "complete" only insofar as they are wise, I have translated the phrase as "entirely wise men." This corresponds with Cicero's previous identification of wise men with entirely appropriate action. See 3.13–16.

[93] The Pythagoreans were followers of Pythagoras. For Pythagoras, see the note under 1.56.

[94] Damon and Phintias were a classic example of Pythagorean friendship. When Phintias was sentenced to death for conspiracy by Dionysius II, Damon acted as a surety for Phintias's leave of absence. When the latter returned on the promised day, Dionysius II was so impressed by their friendship that he pardoned Phintias and asked to be admitted to their friendship as a third member. See also Cicero, *Tusculan Disputations* 5.63.

[95] Dionysius II (fl. 4th century BC) was the son of Dionysius I, who succeeded his father as tyrant of Syracuse from 367 to 344 BC. Plato attempted and failed to make him into a philosopher-king.

[96] See 1.35.

[97] The Piraeus is the port of Athens. See Aristotle, *Rhetoric* 1411a15–16.

[98] See Machiavelli, *The Prince*, chaps. 8 and 17, where Machiavelli prescribes cruelty "well used."

[99] Marcus Junius Pennus (fl. 2nd century BC) was a tribune of the plebs in 126 BC. As tribune he passed a law preventing noncitizens from settling in Roman cities and expelling those who had done so.

[100] Gaius Papius (fl. 1st century BC) was a tribune of the plebs in 65 BC. As tribune he expelled non-Italians from Rome. One such non-Italian was the poet Archias, whose citizenship Cicero successfully defended in 62 BC. See Cicero, *For Archias*.

[101] Viz., Lucius Licinius Crassus.

[102] For Quintus Mucius Scaevola Pontifex, see the note under 1.116.

[103] For the Second Punic War and the battle of Cannae, see the note under 1.35.

[104] The Persian Wars (499–449 BC) were a series of wars between the Persian Empire and the cities of Greece. The turning point was the decisive victory over the Persians at the naval battle of Salamis in 480 BC and land battle of Plataea in 479 BC. The defeat of Persia would lead to the rise of Athens and the golden age of classical Greece.

[105] Xerxes I (519–465 BC) was the son of Darius the Great, who succeeded his father as ruler of the Persian Empire from 486 to 465 BC. He invaded Greece in 480 BC, but was decisively defeated at the battle of Salamis in 480 BC and battle of Plataea in 479 BC.

[106] See Demosthenes, *On the Crown* 204. See also Herodotus, *Histories* 9.4–5, where the traitor's name is Lycides.

[107] For Aristides, see the note under 3.16.

[108] Gnaeus Pompeius Magnus resettled more than twenty thousand captured pirates on land in Cilicia in 67 BC, following his command to clear the Mediterranean of them. Taxes were not levied from them, as they had been from other provinces.

[109] "Correct" is contextually implied in the Latin.

[110] Diogenes of Babylon (ca. 240–152 BC) was a Stoic philosopher. He was the pupil of Chrysippus, succeeding him as head of the Stoa, and teacher of Antipater of Tarsus. He visited Rome in 156–155 BC, and aroused great interest in Stoicism.

[111] Antipater of Tarsus (fl. 2nd century BC) was a Stoic philosopher. He was the pupil of Diogenes of Babylon, succeeding him as head of the Stoa, and teacher of Panaetius of Rhodes.

[112] Viz., the law of nature. See especially 3.23, 3.27–28.

[113] Latin: *quae natura deorum sit*. The subject was discussed by Cicero in his *De Natura Deorum*, or *On the Nature of the Gods*.

[114] Latin: *qui sit finis bonorum*. See the note under 1.5.

[115] Diogenes's reply in 3.53 hints at the profound problem with Antipater's and thus the traditional Stoic position: complete disclosure is only possible when the individual's good is identical to the community's. For in a perfect community, everything would be possessed in common, and there

would be no private property, much like a community of ants, bees, or termites, or the community of guardians in Plato's *Republic*. See 3.26. See also Plato, *Republic* 416d–417b, 423e, 449cff.

The Stoics could maintain this argument by claiming that there was a law of nature binding all members of the human race in association, a law that forbids human beings to harm one another for the sake of individual gain. As this law of nature was grounded in the will of the gods, it was actually a divine law (see 3.23, 3.27–28).

[116] Latin: *quaero*. Literally: "I seek." See the note under 3.56.

[117] Compare this statement of Antipater with the one of Ennius in 1.51, but then consider Cicero's caution regarding the precept in 1.52.

[118] See 1.52.

[119] There is a play on words throughout Antipater's reply. *Error*, "error," is a cognate of *errans*, "to wander," "become lost," "go astray," and thus "err."

[120] This alludes to a Roman law found in *Digest* XVIII.1.43, where the seller does not commit fraud so long as the buyer may exercise his own judgment on the item for sale.

[121] Compare Diogenes's reply with the precepts given in 1.33 and 3.68–69.

[122] Latin: *non enim, ut quaereremus, euimus, sed ut explicaremus*. Literally: "for we [the royal "we"] have not advanced [them] so as to search into [them], but so as to settle [them]." Statements such as these seem unphilosophical and contrast with Cicero's claim that he always seeks the probable truth. However, consider that Cicero recently stated that he is employing a precept for ordinarily appropriate action. Also consider that throughout *On Duties*, Cicero does indeed continually present himself as one "searching into" or "seeking" the truth. The words he consistently uses are *quaerere* and *exquirere*, both of which mean "to search into" or "to seek," and imply a desire to learn. In this respect, they are similar to Cicero's consistent use of *cognoscere* and *cognitio*, "to inquire into" and "inquiry," respectively. Therefore, it is reasonable to suggest that statements such as these are meant for men such as Marcus, who desire answers for action, not questions for contemplation.

For Cicero stating that he seeks the probable truth, see 2.7–8, 3.20, 3.34. For Cicero stating he is employing a precept for ordinarily appropriate action, see 3.19–28. For Cicero explicitly "searching into" or "seeking" appropriate action, see 1.107, 1.147, 1.160, 2.89, 3.11, 3.32, 3.46; utility, 2.1; honorableness, 1.14, 1.159, 3.50; wisdom, 1.132; magnanimity, 1.79; and propriety, 1.110, 1.117, 1.119, 1.125, 1.133, 1.143, 1.147. See also the glossary entry "inquiry."

[123] Latin: *obscuri*. Literally: "obscure."

[124] Consider that Cicero discusses both sorts of characteristics in 1.108–109, and concludes his assessment of both with the statement, "There are innumerable other dissimilarities of nature and customs, which nonetheless must not be condemned in the least."

[125] Nothing more is known about Gaius Canius than what is recounted here.

[126] For the *equites*, see note 2 in the first section of the introduction in this volume.

[127] See Cicero, *On the Orator* 2.280.

[128] Latin: *hominem*. Literally: "[this] human being."

[129] Latin: *apud omnes ordines*. See the note under 1.151.

[130] Latin: *ante pedes Pythi pisces abicibantur*. I have attempted to recreate the alliteration in the Latin, which mimics the plopping of fish at Pythius's feet. See Dyck, *A Commentary on Cicero, De officiis*, 566.

[131] Latin: *homo*. Literally: "[this] human being['s]."

[132] I.e., a contract was signed.

[133] Gaius Aquilius Gallus (fl. 1st century BC) was a Roman jurist, statesman, and pupil of Quintus Mucius Scaevola Pontifex. After sharing the praetorship with Cicero in 66 BC, he devoted himself to

law, most notably contributing his precepts on *dolus malus*, or "malicious fraud."

[134] Latin: *dolo malo*. Literally: "a bad trick." I have consistently translated *dolus malus* as "malicious fraud."

[135] See Cicero, *On the Nature of the Gods* 3.74.

[136] Latin: *ab homine*. Literally: "from a human being."

[137] Compare this statement with the one made at 2.35, as well as in *Tusculan Disputations* 5.10–11, included in the note under 2.35.

[138] See Cicero, *Topics* 66.

[139] For Quintus Mucius Scaevola Pontifex, see the note under 1.116.

[140] A verse from Ennius's *Medea*. See Cicero, *Letters to Friends* 7.6.2 and 13.15.2.

[141] Hecaton of Rhodes (fl. late 2nd–early 1st century BC) was a Stoic philosopher and pupil of Panaetius. He wrote primarily on ethics, of which only fragments survive.

[142] Quintus Aelius Tubero (fl. late 2nd century BC) was a Stoic philosopher and pupil of Panaetius. Cicero believed his rigid Stoicism made him an equally rigid speaker. See Cicero, *Brutus* 117.

[143] See *Laws of the Twelve Tables* 6.1.

[144] Latin: *a iuris consultis*. Literally: "by those consulting—" or "deliberating on what is right."

[145] For the augurs, see the first section of the introduction in this volume.

[146] Nothing more is known of Tiberius Claudius Centumalus than what is recounted here.

[147] Publius Calpurnius Lanarius (fl. late 2nd–early 1st century BC) was a Roman general. It is believed he fought in the Sertorian War, routing and killing Quintus Sertorius's lieutenant, Julius Salinator, in 81 BC.

[148] Marcus Porcius Cato (fl. late 2nd–early 1st century BC) was a Roman statesman. He was the grandson of Marcus Porcius Cato the Elder and the father of Marcus Porcius Cato Uticensis. He served as tribune of plebs in 99 BC, but died in 92 BC while seeking election to the praetorship.

[149] For Marcus Porcius Cato Uticensis, see the note under 1.112.

[150] Marcus Marius Gratidianus (fl. late 2nd–early 1st century BC) was a Roman statesman. The second cousin of Cicero and the nephew of Gaius Marius, he shared Marius's *popularis* politics, taking his side over Lucius Cornelius Sulla Felix in the civil war between the two. He was placed on the proscription lists by Sulla and cruelly murdered in 82 BC.

[151] Gaius Sergius Orata (fl. 1st century BC) was a Roman merchant. Little is known of Orata aside from this case. He was successful at breeding oysters in the Lucrine Lake near Baiae for resale.

[152] I.e., someone other than the owner had some legal claim to the house.

[153] Viz., Lucius Licinius Crassus. For Crassus's defense of Orata, see Cicero, *On the Orator* 1.178.

[154] For Marcus Antonius Orator, see the note under 2.49.

[155] Latin: *ius*. See the note under 2.65.

[156] Latin: *quo iure esset*. See the note under 2.65.

[157] Latin: *simulate*. Literally: "pretentiously," as in "full of pretense."

[158] The clause that follows after "so to speak" is believed to be an interpolation. The clause in question: "sell the house owing to its vices."

[159] Latin: *lege*. Literally: "by law."

[160] See 1.50–53.

[161] Latin: *veri iuris germanaeque iustitiae*. Literally: "of the truth of what is right and of genuine justice."

[162] See Cicero, *Orator* 9–10. See also Plato, *Republic* 476a and 514aff.

[163] For Quintus Mucius Scaevola Pontifex, see the note under 1.116.

[164] Latin: *vitae societas*. See the note under 1.30.

[165] See Machiavelli, *The Prince*, chap. 18, for the exact opposite precept on such astuteness.

[166] See 1.33, 1.63, 2.10, 3.113.

[167] Latin: *mancipiorum*. Literally: "[other] formal purchases," such as slaves implied here.

[168] This alludes to a Roman law found in *Digest* XXI.1.1.1.

[169] See 1.22 and 1.100. See also Cicero, *On the Laws* 1.16–17. Classical political philosophers largely assumed nature could and should serve as a guide. This assumption was vehemently challenged on both counts in the nineteenth century by Friedrich Nietzsche, and has remained a fundamental problem in postmodern thought ever since.

[170] Ignorance in the sense that a given disgraceful act remains forever unknown. See 3.39.

[171] Latin: *hominis*. Literally: "human being."

[172] Lucius Minucius Basilus (fl. late 2nd–early 1st century BC) was a Roman general. He served under Lucius Cornelius Sulla Felix in the latter's occupation of Rome in 88 BC, and later against Mithridates VI of Pontus in the First Mithridatic War (88–84 BC).

[173] For Marcus Licinius Crassus Dives, see the note under 1.25.

[174] For Quintus Hortensius Hortalus, see the note under 2.57.

[175] Latin: *homines*. Literally: "human beings."

[176] Lucius Minucius Basilus Satrianus (fl. 1st century BC) was a Roman general and statesman. Born Marcus Satrius, he took the name of Lucius Minucius Basilus upon the latter's adoption and death. He won the praetorship in 45 BC. A Caesarean supporter and later lieutenant of Marcus Antonius, he was appointed as the unwelcome patron of the Picene and Sabine lands. It is believed he was a different man than the Lucius Minucius Basilus who participated in the conspiracy to murder Gaius Julius Caesar.

[177] Latin: *o turpe notam temporum nomen illorum*. Literally: "O disgraceful acknowledgment of the times, the name of those lands [having such a patron]!" Satrius received his appointment of patron by force of arms as a lieutenant of Marcus Antonius. See Cicero, *Second Philippic* 107.

[178] See 1.23, 1.28–29.

[179] In other words, Marcus Licinius Crassus Dives would have ignored all considerations of propriety so as to benefit himself financially. However, contrast this precept and the similar one made at 1.145 with the expanded circumstances outlined by Cicero at 3.93.

[180] Latin: *notionem*. Cicero chose *notio* as the Latin equivalent of the Greek *ennoia*, which means "a thought in the mind," and thus a "concept" or "notion." I have consistently translated *notio* as "notion." *Ennoia* was a term used by Academics and Stoics to indicate that every human being has the potential to grasp truth, truth that lies dormant in the human mind, needing only to be "unraveled." See Cicero, *Academics* 2.21; *Tusculan Dispuations* 4.53; *Topics* 31. See also Dyck, *A Commentary on Cicero, De officiis*, 592–93.

[181] See 1.20.

[182] Gaius Flavius Fimbria (fl. late 2nd–early 1st centuries BC) was a Roman statesman. A *novus homo*, or "new man," he shared the consulship in 106 BC with another "new man," Gaius Marius. Cicero comments on his good character in his *Brutus* 129 and *For Plancius* 12.

[183] Nothing more is known of Marcus Lutatius Pinthia than what is recounted here. For the *equites*, see note 2 in the first section of the introduction in this volume.

[184] See Cicero, *On the Laws* 1.41; *On Ends* 2.52.

[185] See 1.110.

[186] For Gaius Marius, see the note under 1.76.

[187] Quintus Caecilius Metellus Numidicus (fl. late 2nd–early 1st centuries BC) was a Roman general and statesman. As consul in 109 BC he conducted the war against Jugurtha. While enjoying initial successes, the war persisted to the dissatisfaction of the Romans. Gaius Marius convinced them to declare him consul in 107 BC, and Metellus was put on trial and acquitted. Shortly after becoming censor in 102 BC, he refused to take an oath to observe Lucius Appuleius Saturninus's agrarian law and was exiled. With the aid of friends he was later recalled, never again to rise in prominence.

[188] Jugurtha (ca. 160–104 BC) was the king of Numantia. After King Masinissa died in 118 BC, he jointly ruled Numantia with two others before murdering one and attacking the other. Rome interceded on behalf of the latter, eventually sending Quintus Caecilius Metellus (later Numidius) with an army in 109 BC. When the war was perceived to be prolonged unnecessarily, Metellus was replaced by Gaius Marius in 107 BC, who eventually captured Jugurtha in 105 BC. Jugurtha was taken to Rome and executed after Marius's triumph in 104 BC.

[189] See 1.86.

[190] For Marcus Marius Gratidianus, see 3.67.

[191] Latin: *officio viri boni functus est*. Literally: "performed an action appropriate for a good man."

[192] Latin: *sententia*. Literally: "sentiment."

[193] The Rostra was the speaker's podium in the forum.

[194] Viz., Marcus Marius Gratidianus.

[195] See 2.9 and 3.5.

[196] Here there is a likely interpolation, generally thought to be so because of the awkwardness of its place. See Dyck, *A Commentary on Cicero, De officiis*, 601. The sentence in question: "For what difference does it make whether someone as a human being turns himself into a brute beast, or in the figure of a human being conducts himself with the savagery of a brute beast?"

[197] Viz., Gnaeus Pompeius Magnus and Gaius Julius Caesar, respectively. In forming the alliance that would become known as the First Triumvirate, Pompeius strengthened the union by wedding Caesar's daughter. For the First Triumvirate, see the first section of the introduction to this volume.

[198] See Euripides, *The Phoenician Women* 524–25.

[199] Viz., Gaius Julius Caesar.

[200] While Cicero was proclaimed Pater Patriae, or "Father of the Fatherland," by a free Roman people for suppressing the Catilinarian conspiracy in 63 BC, Gaius Julius Caesar was proclaimed the same by an oppressed Roman people for subduing the legitimate forces of the commonwealth in 45 BC. See the first section of the introduction in this volume.

[201] See Plato, *Republic* 577a; Aristotle, *Eudemian Ethics* 1216a16ff.; *Nicomachean Ethics* 1095bff.

[202] Accius (170–ca. 90 BC) was a Roman poet. We have only fragments of his plays. Cicero knew him in his youth. See Cicero, *Brutus* 107.

[203] A verse from an unknown play of Accius.

[204] Tantalus and Pelops, father and son, respectively, were the legendary founders of the House of Atreus, the dynasty of the kings of Mycenae.

[205] Latin: *conscientiae*. Literally: "consciousness."

[206] See Plato, *Republic* 577e.

[207] See 1.40. For Pyrrhus and Gaius Fabricius Luscinus, see the notes under 1.38 and 1.40, respectively.

[208] Latin: *laudis*. Literally: "praise." See 1.38.

[209] For Aristides, see the note under 3.16.

[210] Latin: *sententia*. Literally: "sentiment."

[211] For Lucius Marcius Philippus, see the note under 1.108.

[212] For Lucius Cornelius Sulla Felix, see the note under 1.43.

[213] During the First Mithridatic War (88–84 BC), Lucius Cornelius Sulla Felix exempted the political communities in Asia from taxation in return for their support. Taxes were later reimposed to pay for Rome's continuous wars.

[214] For Marcus Porcius Cato Uticensis, see the note under 1.112. The word "friend" is contextually implied in the Latin.

[215] Latin: *ordinum*. See the note under 1.151.

[216] As quaestor in 64 BC, Marcus Porcius Cato Uticensis demanded the debts of all citizens and allies be paid in full to the treasury. As an outspoken member of the Senate in 61 BC, he blocked the publicans (*equites* tax collectors) from renegotiating a tax contract. Neither action fostered unity among the various social orders.

[217] For Gaius Scribonius Curio, see the note under 2.59.

[218] After the Social War (90–89 BC), political communities south of the Po River received full citizenship, while those north of it were granted the status of Latin colonies by the *Lex Pompeia Transpadanis* in 89 BC. The latter did not receive full citizenship until granted by Gaius Julius Caesar in the *Lex Roscia* in 49 BC.

[219] For Hecaton of Rhodes, see the note under 3.63.

[220] Latin: *quaerit*. Literally: "he seeks." See the note under 3.56.

[221] See Cicero, *On the Commonwealth* 3.30.

[222] See 1.23–24.

[223] Compare the following exchange on piety with the precept given at 1.160. Here the order of precedence is fatherland, parents, gods; there, gods, fatherland, parents.

[224] Latin: *quaerit*. Literally: "he seeks." See the note under 3.56.

[225] For Diogenes of Babylon, see 3.51.

[226] For Antipater of Tarsus, see 3.51.

[227] Latin: *iura*. Here translated as "the principles . . . as to what is right." See the glossary entry "right."

[228] Latin: *mancipio*. See the note under 3.71.

[229] "Correct" is contextually implied in the Latin.

[230] This alludes to an earlier version of a Roman law found in *Digest* II.14.7.7. See also 1.32.

[231] Compare these expanded circumstances with the precepts at 1.145 and 3.75.

[232] See 1.32.

[233] See 1.32. See Lucretius, *On the Nature of Things* 5.396ff.

[234] Latin: *regno*. Literally: "kingship."

[235] See Aeschylus, *Agamemnon* 184ff.; Euripides, *Iphigenia* 87ff., 258ff., 1541ff.; Lucretius, *On the Nature of Things* 184ff.

[236] See 1.31.

[237] Latin: *mente*. See the note under 1.105.

[238] See Plato, *Republic* 331c.

[239] See 1.31–32, 3.18–19, 3.32.

[240] See 3.40–95.

[241] Latin: *in conformatione et moderatione continentiae et temperantiae*. Literally: "in the shape and moderation of restraint and temperance." The subject still seems to be the spirit, and so I have altered the translation slightly to better fit the context.

[242] E.g., Sophocles, Euripides, Pacuvius, and Accius.
[243] A verse most likely from the *Judgment of Arms* of either Pacuvius or Accius. I have translated the alternative reading *sacratum ius*, rather than Winterbottom's *sacratae ius*.
[244] An allusion to the *Iliad* and the *Odyssey*, respectively.
[245] For Marcus Atilius Regulus, see the note under 1.39. See also 1.39 for Cicero's first narration of the story of Regulus.
[246] Xanthippus (fl. 3rd century BC) was a Spartan mercenary. He was hired by Carthage to reorganize the army and fight the Romans during the First Punic War. His efforts contributed to the Roman rout and the capture of Marcus Atilius Regulus at the battle of Bagradas in 255 BC.
[247] Cicero mistakes Hamilcar Barca, the father of Hannibal Barca, with a still-earlier Hamilcar who commanded the Carthaginian forces at the battle of Bagradas in 255 BC.
[248] Latin: *utilitatis speciem*. Literally: "the appearance of utility."
[249] Latin: *locupletiores*. See the note under 3.10.
[250] Latin: *sententiam ne diceret recusavit*. Literally: "refused to speak his sentiment [on the matter]."
[251] Latin: *suorum*. Literally: "his own [family, friends, clients, etc.]." See the note under 1.9.
[252] See Cicero, *Stoic Paradoxes*, Paradox 2.16.
[253] See Cicero, *Against Catilina* 4.9. See also the note under 3.53 for the problem with entirely equating private with public good.
[254] Latin: *naturae*. See the note under 1.159.
[255] See Cicero, *On the Laws* 2.22.
[256] The word "opinion" is contextually implied in the Latin.
[257] The former are the Epicureans; the latter, the Stoics. For the former, see Epicurus, *Principal Doctrines* 1; Cicero, *On the Nature of the Gods* 1.42–45 and 1.85. For the latter, see Cicero, *On the Nature of the Gods* 2.75–77 and 2.154ff.
[258] See 2.12.
[259] See 3.3.
[260] A verse from Accius's *Atreus*.
[261] See 3.44.
[262] A verse believed to be from Ennius's *Thyestes*.
[263] Viz., Marcus Porcius Cato the Elder. A shrine was built to Fides (Good Faith) on the Capitoline Hill in Rome near the temple of Jupiter in 249 BC.
[264] E.g., as maintained by the Epicureans. See 1.5, 3.12, 3.18, 3.116–120.
[265] E.g., Stoics such as Panaetius of Rhodes and Posidonius of Apamea.
[266] Latin: *mediocrem*. Literally: "average."
[267] Latin: *locupletiorem*. See the note under 3.10.
[268] The former are the Stoics; the latter, the Peripatetics.
[269] See 1.97.
[270] See 1.34–40.
[271] Latin: *mens*. See the note under 1.105.
[272] The concept here and below at 3.108 seems to be similar in meaning to the use of *notio* at 3.76. Every human being has the potential to grasp the truth, truth that lies dormant in the human mind. Here the truth sought is whether or not it is always appropriate to keep sworn oaths. See the note under 3.76.

[273] Latin: *ex animi tui sententia*. Literally: "according to the sentiment of your mind—" or "spirit." I have added the word "innermost" to better convey the meaning. The phrase *ex animi sententia* was the traditional formula for swearing an oath.

[274] Latin: *mentem*. See the note under 1.105.

[275] See Euripides, *Hippolytus* 612.

[276] Latin: *Regulus vero non debuit condiciones pactionesque bellicas et hostiles perturbare periurio*. Literally: "Regulus truly ought not to have confounded with perjury terms and agreements [that were] martial [in nature] and [that] involve the enemy."

[277] Titus Veturius Calvinus (fl. 4th century BC) and Spurius Postumius Albinus (fl. 4th century BC) were Roman generals and statesmen. They shared the consulship in 334 and again in 321 BC, during the latter of which they were ambushed by Gaius Pontius the Samnite at Caudium. They made a peace treaty with the Samnites, but upon its rejection by the Senate, and at Albinus's recommendation, the war was continued, and both men were surrendered to the enemy. The Samnites rejected them.

[278] Tiberius Numicius (fl. 4th century BC) and Quintus Maelius (fl. 4th century BC) were Roman statesmen. As tribunes of the plebs in 321 BC, they sponsored the peace treaty with the Samnites made by Titus Veturius Calvinus and Spurius Postumius Albinus. As sponsors, both men, along with Calvinus and Albinus, were surrendered to the Samnites. The Samnites rejected them.

[279] Gaius Hostilius Mancinus (fl. 2nd century BC) was a Roman general and statesman. As consul in 137 BC, he was defeated by the Numantines in Spain. He made a peace treaty with them that was rejected by the Senate, then supported a proposal, led by Lucius Furius Philus and Sextus Atilius Serranus, that he be surrendered to the Numantines. The Numantines rejected him, and he returned to Rome to continue his political career.

[280] Lucius Furius Philus (fl. 2nd century BC) and Sextus Atilius Serranus (fl. 2nd century BC) were Roman statesmen. As consuls in 137 BC, they proposed surrendering Gaius Hostilius Mancinus to the Numantines, thereby repudiating a peace treaty that Mancinus had made with them. See Cicero, *On the Commonwealth* 3.28.

[281] Quintus Pompeius (fl. 2nd century BC) was a Roman statesman. First as a consul in 141, then a proconsul in 140 BC, he pursued an indecisive war with the Numantines, making a peace treaty with them in 139 BC, only to repudiate it soon after. This repudiation along with his entreaties persuaded the Senate not to surrender him to the Numantines. He later became a censor in 131 BC. See Cicero, *On the Commonwealth* 3.28; *On Ends* 2.54.

[282] Compare this statement with the one made at 1.32: "For who does not see that those promises cannot be kept that someone makes compelled by fear or misled by deceit?"

[283] Compare this statement with the one made at 3.95: "Thus many things that seem to be honorable by nature become dishonorable owing to circumstance. To keep promises, to stand by agreements, to return deposits, when their utility changes, then they become dishonorable."

[284] See 2.76.

[285] Latin: *notiones*. See the note under 3.76.

[286] Lucius Manlius Capitolinus Imperiosus (fl. 4th century) was a Roman statesman and the father of Lucius Manlius Imperiosus Torquatus. He was appointed dictator in 363 BC, but was indicted by Marcus Pomponius for illegally extending the duration of the office.

[287] Marcus Pomponius (fl. 4th century BC) was a Roman statesman. As a tribune in 362 BC, he indicted Lucius Manlius Capitolinus Imperiosus for illegally extending the duration of his tenure as dictator, as well as for the mistreatment of his son, Titus Manlius Imperiosus Torquatus.

[288] Titus Manlius Imperiosus Torquatus (fl. 4th century BC) was a Roman general and statesman. He was said to have won his name "Torquatus" from killing a giant Gaul and tearing the collar from his

neck in 361 BC. As consul for the third time in 340 BC, he sentenced his own son to death for engaging the Latins at Veseris without his order.

289 See Cicero, *On Ends* 1.23–24, 2.60; *Tusculan Disputations* 4.49.

290 For Hannibal Barca and the battle of Cannae, see the note under 1.35.

291 Polybius (ca. 200–ca. 118 BC) was a Greek historian. After the defeat of King Perseus of Macedon by the Romans at the battle of Pydna, Polybius was one of the many Achaean nobles sent to Rome as a hostage in 168 BC. He remained there some seventeen years, during which time he befriended Publius Cornelius Scipio Africanus Aemilianus, even accompanying the latter on his campaigns. This firsthand experience led him to write his *Histories*, an account of Rome from the Second Punic War to his own time.

292 See 1.33, 1.63, 2.10, 3.71.

293 See 1.40. See also Polybius, *Histories* 6.58.3ff.

294 Lucius Aemilius Paullus (fl. late 3rd century BC) and Gaius Terentius Varro (fl. late 3rd century BC) were Roman generals and statesmen. As consular colleagues in 216 BC, they commanded the Roman legions that Hannibal defeated at the battle of Cannae. Paullus was killed, while Varro escaped. See Polybius, *Histories* 6.58.2.

295 See Polybius, *Histories* 6.58.13.

296 Gaius Acilius (fl. 2nd century BC) was a Roman historian and statesman. Fluent in Greek, he served as interpreter for the embassy of Athenian philosophers who visited Rome in 155 BC. He later wrote a history of Rome in Greek from its origins to roughly his own time. His history was translated into Latin, of which only fragments survive.

297 The examples of Ulysses (see 3.97–98), Hannibal's captives (see 3.113–114), and, above all, Regulus (see 3.99–112**)** again address the conflict between private and public good. Cicero illustrates the problem in these sections by equating magnanimity with trustworthiness. Cicero previously had said that "fundamental to justice is trust—that is to say, the constancy and honesty of assertions and agreements" (see 1.23). He now says that greatness of spirit is honoring these assertions and agreements. A commonwealth depends on its citizens' law-abidingness, a law-abidingness that essentially consists of citizens keeping their promises to obey the laws in return for citizenship. A commonwealth also depends on its citizens making sacrifices, sacrifices that are necessary for the long-term public good but bad for a citizen's immediate private good. What if citizens should cease to observe law-abidingness in these extraordinary circumstances, such as keeping sworn oaths or promises, if only those made with foreign nations (see 3.107)? Might not habits that begin as relations between two commonwealths turn inward and begin to affect relations between citizens within the same commonwealth? Might not individual citizens cease to see any difference between keeping their oaths or promises to another commonwealth and keeping them to their own commonwealth? Might not they begin to disregard the public good of the laws in the interests of their own private good?

298 For Aristippus and the Cyrenaic school, see the note under 1.148.

299 The Annicerii were follows of Anniceris (early 3rd century–283 BC), who was himself originally a Cyrenaic. They seem to have advocated a more moderate doctrine of hedonism.

300 See 1.5, 3.12, 3.18, 3.105. Compare also this statement with the one made in Cicero, *Academics* 2.131.

301 Latin: *virisque equis*. Literally: "with men and horses." This was a proverbial expression for mustering all one's forces.

302 Metrodorus of Lampsacus (331–ca. 277 BC) was a Greek Epicurean philosopher. Considered the most important pupil of Epicurus, he wrote numerous books advocating an even more hedonistic

doctrine than that of Epicurus. See Cicero, *On Ends* 2.92; *Tusculan Disputations* 2.17; *On the Nature of the Gods* 1.113.

303 See 1.5, 1.61, 1.66ff., 1.79, 3.99–100, 3.110.

304 The word "virtue" is contextually implied in the Latin.

305 See Cicero, *On Ends* 1.42–54, 2.52.

306 See Cicero, *On Ends* 2.72–77.

307 See Cicero, *On Ends* 2.60–71.

308 See Cicero, *On Ends* 2.51–59.

309 See 1.5. See also Cicero, *On Ends* 2.78–85; *On Friendship* 46ff.

310 Little more is known of Calliphon and Dinomachus than what is recounted here. They were Greek philosophers often paired together who attempted to unite pleasure with honorableness. See Cicero, *Academics* 2.139; *On Ends* 5.21.

311 Cicero alludes to his *On the Ends of Good and Bad Things*. See the note under 1.5.

312 See 1.106 and the note under it.

313 Latin: *munus*. See the note under 3.4.

314 For Cicero's aborted attempt to visit his son in Athens, see the first section of the introduction in this volume.

315 See 1.2.

Interpretative Essay

On Duties introduces the conflicting claims between the honorable and the useful; its author, Cicero, attempts to teach how to resolve the conflict; and this essay aims to guide readers in better understanding both the treatise and the author. Caution is required in this task. *On Duties* was written by a philosophical father to his unphilosophical son offering advice, advice that the father invites us to consider for ourselves. The father advises his son that all considerations of utility may be reduced to those of honorableness. The useful (*utile*) encompasses the needs of living beings, which includes certain necessities and concern for private good. The honorable (*honestum*) encompasses the virtues of human beings, which includes justice and concern for the common good. Does the father advise his son well? Does necessity never overcome justice, or private good never conflict with public good?

On Duties was composed by the statesman and philosopher Marcus Tullius Cicero in lieu of a planned visit to see his son, Marcus Tullius Cicero Minor (65–late 1st century BC), who was studying philosophy in Athens.[1] But what purportedly began as a long letter soon became something much more,[2] a treatise on the nature of appropriate action written on a grand scale.[3] A letter intended for Marcus became a treatise intended

for *boni*, or "good men," such as Marcus. Such men have the potential to become statesmen, but might find learning unpleasant.[4] They might desire answers for action, not questions for contemplation.[5] They might not appreciate that such answers or precepts are sometimes limited by circumstance.[6] Moreover, the answers given to them must be "nobly discussed by those for whom whatever is honorable likewise seems useful, nor is anything useful that is not honorable."[7] Thus the precepts on appropriate action offered by Stoicism in general and Panaetius in particular are fitting for this intended audience. Nevertheless, while *On Duties* is explicitly written for men such as Marcus, it implicitly raises questions meant for men more subtle than Marcus.

At the time *On Duties* was composed in 44 BC, the recognized authority on the possible conflict between the honorable and the useful was the Stoic philosopher Panaetius of Rhodes (ca. 185–109 BC). Panaetius had written a treatise discussing appropriate actions, a treatise that Cicero states he "chiefly follows," but only after "employing a certain correction."[8] As any discussion of appropriate action must resolve the possible conflict between the honorable and the useful, Panaetius had proposed three sorts of concerns that human beings have when contemplating the matter: whether a given action is honorable or disgraceful, whether it is useful or useless, and how one ought to decide between things when what appears to be honorable conflicts with what seems to be useful.[9] Panaetius's treatise discussed the first two sorts, but he never wrote on the third, despite a promise to do so in a future volume.[10] As his pupil Posidonius (135–51 BC) wrote that Panaetius lived another thirty years after he had published his treatise, Cicero expresses surprise at the omission. Moreover, while Posidonius himself had written that there was no subject in all of philosophy so necessary, an opinion Cicero shares,[11] Posidonius had touched upon it only briefly in his own commentaries.[12] Cicero expresses further surprise that Panaetius had neither defined appropriate action,[13] nor recognized its fivefold division:

> For not only are we accustomed to deliberate whether something is honorable or disgraceful, but even between two honorable courses,

> which is the more honorable; and, likewise, between two useful courses, which is the more useful. Thus, although Panaetius thought its reasoning threefold, we discover the subject ought to be divided into five parts.[14]

Why would a philosopher of Panaetius's stature overlook the fivefold division of the subject, let alone omit to discuss the possible conflict between the honorable and the useful? Is there something inherent in Stoicism that compelled Panaetius to entirely abandon its discussion, or Posidonius to give it such short shrift? A generous and prudent man, Cicero does no more in *On Duties* than explicitly point out the deficiencies of Panaetius's treatise and implicitly point to the corrections in his own.

Panaetius's influence on Cicero, especially in *On Duties*, has been greatly overemphasized. We have only fragments of Panaetius's work and of the work of all the early Stoics. The majority of our information on Stoicism comes from Cicero's own *On Ends* and *On the Nature of the Gods*. Attributing the substance of Cicero's thought to Panaetius is at best a fruitless endeavor and at worst indicative of an antiquated German *Quellenforschung*, or "source criticism."[15] In every book of *On Duties*, Cicero cautions readers that his use of Stoicism in general and Panaetius in particular is qualified.[16] When he does mention Panaetius, it is nearly always to criticize him.[17] And as Cicero reminds readers several times, he himself is not a Stoic, but an Academic skeptic.[18]

The appropriateness of an action depends on how the possible conflict between the honorable and the useful is resolved; such a conflict itself depends on how human nature is understood; and as human beings are but a part of being as such, any understanding of human nature depends on how nature itself is perceived. In the classical world the study of nature was called *physica*, or "physics," from the Greek word for nature, *phusis*; in Latin, *natura*. Nature was defined differently according to how the different philosophical schools understood nature. In Cicero's time there were four principal schools, the Academics, Peripatetics, Stoics, and Epicureans.

The first of the four great philosophical schools of antiquity, the Academy was the school outside the walls of Athens, founded by Plato (ca. 429–347 BC) around 385 BC. Diogenes Laertius (fl. 3rd century AD) divided its history into three periods: the Old, Middle, and New Academies. Cicero

recognized only two: the Old and the New. The Old Academy he considered to be more dogmatic in its approach to Plato's dialogues and the possibility of knowledge; the New Academy, much more skeptical in its stance toward both. The New Academy, also called Academic skepticism, considered absolute knowledge unobtainable; what can be known is what is more or less probable. Arguments are advanced on both sides of an issue in order to uncover the most likely answer. Cicero associated this Academic skepticism with the position taken by Plato himself.[19] However, it must be stressed that Academic skepticism was not Pyrrhonism. Academic skepticism did not debar one from accepting verisimilitude, or highly probable arguments. Throughout his writings, Cicero consistently describes himself as an Academic skeptic.[20]

The Peripatetics were so called after their founder Aristotle's (384–322 BC) habit of lecturing while walking around the colonnades in the Lyceum. While the Lyceum became famous for its association with Aristotle and his students, long before it had been a gymnasium dedicated to Apollo Lyceus, or "Wolf-God." Founded around 335 BC, Peripateticism taught that the universe emanated from a first-mover, a perfect being that all lesser beings strive to imitate. Ethically, it maintained a position between that of Epicureanism and that of Stoicism. It held bodily pleasures and external things to be goods, but virtue to be the highest good. Thus human well-being was bound to both body and mind, with greater emphasis being given to mind and virtue.

The Stoics were named after the "Painted Porch," or Stoa Poikile, in the Athenian Agora, in which their founder, Zeno of Citium (335–263 BC), taught beginning around 300 BC. Stoicism taught a deterministic philosophy in which the universe is ruled by a material divine mind. Ethically, it held the only good to be virtue. All else was either morally neutral, that is, to be "preferred" or "rejected," or was simply bad. Thus they were accused of holding human well-being to be wholly bound to the mind and virtue.

Epicureanism was the last of the four great philosophical schools of antiquity, founded around 307 BC. Named after its founder, Epicurus (341–270 BC), Epicureanism taught a materialistic philosophy in which the universe was the result of the chance collisions of invisible atoms moving

through the void. Famous for its apolitical stance, Epicureanism denied the existence of the common good, believing human beings to be first and foremost individuals. Ethically, it held the good to be synonymous with the pleasant, and the bad with pain. If the Stoics were accused of holding human well-being to be wholly bound to the mind, the Epicureans were accused of holding it to be entirely bound to the body. Throughout his writings, Cicero consistently opposes Epicureanism.

Cicero defines nature as it was understood by these four schools in his treatise *On the Nature of the Gods*. The first definition is Academic, and argues for a mechanical universe;[21] the second, Stoic, an intelligent universe;[22] and the third, Epicurean, a meaningless universe.[23] The Peripatetics seemed to oscillate between the Academic and the Stoic conceptions:[24]

> Some suppose that nature is a kind of force that lacks reason and induces necessary motions in bodies; but others that nature is a force that partakes in reason and orderliness—as if she were proceeding along a path, revealing what she does for the sake of each thing, at what she aims—whose ingenuity no art, no hand, no craftsman, can achieve by imitation. . . . But there are still others who call *everything* by the name of "nature," such as Epicurus, who thus divides everything that exists within nature into bodies and void and the interactions that might occur between them.[25]

As will be demonstrated, each of these understandings of nature shaped how each school understood human nature; such an understanding decided how the possible conflict between the honorable and the useful was resolved; and this resolution determined the appropriateness of an action. But as Cicero does not explicitly discuss nature as a whole in *On Duties*, we must begin with his discussion of human nature.

I

Cicero's discussion of the nature of human beings begins with the nature of living beings:[26]

> The beginning allotted by nature to every kind of living being is to protect its own life and body, avoid those things that seem likely to cause harm, and seek out and provide for all those things that are necessary for life, such as food and shelter and other things of the same sort. Common also to all living beings is the appetite to unite for the sake of procreation and to show a certain degree of concern for their offspring.[27]

All living beings must concern themselves with protecting their life and body, as well as securing those things necessary to support life. After living beings secure the necessities for mere life, we may infer that they desire to obtain such things as might promote comfortable life. In addition to the needs of security and comfort, Cicero notes the need for all living beings to procreate and care for their offspring. However, the degree of care will depend on whether and to what extent a given living being is a social animal. This brief discussion of the nature of living beings introduces two important considerations about the nature of human beings. Insofar as human beings share the needs of all living beings for self-preservation and preference for "one's own," there will be conflicts between private and public good; insofar as there are conflicts between private and public good, there will be conflicts between utility and honorableness.

While the needs of security, comfort, and procreation are common to all living beings, each living being possesses unique characteristics that distinguish it from other living beings, characteristics that specify how it will thrive.[28] A cat is not a dog, nor a Siberian husky a Boston terrier. Each possesses sufficiently distinct characteristics, resulting in sufficiently distinct conditions under which each will flourish. No cat enjoys being walked on a leash; no Siberian husky wants to be locked up in an apartment in Florida. When attempting to understand the nature of a given living being, we must begin with how it is different from other living beings. Inasmuch as it secures the basic necessities of life and fully realizes its distinctive characteristics, it will thrive; inasmuch as it thrives, it will be

happy. The characteristics specific to a given living being may be called its virtues. What are the virtues specific to human beings?

Most classical political philosophers singled out reason and language as the defining characteristics of human beings. Therefore, after discussing the characteristics common to all living beings, Cicero turns to the virtues specific to human beings, beginning with reason. Cicero defines reason when describing the nature of the human mind. He states the human mind has both appetite, which "pulls a human being here and there," and reason, which "teaches and explains what must be done or avoided."[29] This use of reason originates in a human being's ability to perceive deep into "the causes of things,"[30] an ability that is itself prompted by his innate "longing to inquire and know."[31] Consequently, it may be said that the "inquiry into truth belongs especially to human nature."[32] By contrast a beast has only appetite, and so "is roused only insofar as to apply itself to what is immediate and present—and to this alone—with quite minimal awareness of past or future."[33] Reason is the crucial difference between man and beast, and so exceedingly irrational human beings are to be regarded as little better than beasts.[34] With the discussion of reason complete, the virtue of wisdom has been introduced.

It is at this point in a discussion of human nature that the Academics, Peripatetics, Stoics, and Epicureans disagreed. The ability and inclination to discern the causes of things allows man to control for them; insofar as man can control for future events, he may be said to have power over them.[35] The crucial question now becomes, Is man by nature an individual or a social animal? If he is a social animal, how social? If man is an individual, he will use his power of reason to further his own individual ends, thinking of the common good only insofar as it is convenient for him to do so; if he is a social animal, he will use it, to the extent that he is social, on behalf of the common good for its own sake. The Epicureans argued that man was entirely individualistic; the Stoics, that he was wholly social; the Academics and Peripatetics, that he was social to a degree.

Cicero sides with the Academics, Peripatetics, and Stoics in declaring man a social animal:

> [Human] nature unites one human being to another in an association of language and life by the force of reason; it especially implants in them an exceptional love for their offspring; and it compels human beings to want to gather together and congregate, as well as participate in such assemblages.[36]

As man is a social animal, the power of reason will be used to some degree in the interest of the group, and so the common good. Individuals will secure the basic necessities of life, "not only for themselves, but for their spouses, children, and others whom they hold dear and ought to protect."[37] Such a concern for others introduces the virtue of justice. However, it is a great question as to who encompasses such "others," a question synonymous with the question as to how social human beings are. The answer to this question will determine how far justice may reasonably be said to extend. Moreover, Cicero states that "this concern [for others] further kindles their *spirits* and makes them *greater* in the conduct of their affairs."[38] Thus greatness of spirit, or the virtue of magnanimity, is syntactically introduced immediately after the virtue of justice.[39] This immediacy is owed to the fact that a crucial component of magnanimity is courage to fight "on behalf of communal well-being," that is, on behalf of justice.[40] The discussion of human nature concludes with Cicero noting that such is the force of reason that human beings alone can perceive "what is orderly, what is proper, and what a due measure in deeds and speech is."[41] Thus the final virtue of propriety is introduced. Cicero collectively calls these four virtues the honorable.[42]

With the discussion of human nature complete and the four virtues introduced, Cicero divides the honorable into two sorts of virtue, the virtue of wisdom on the one side, and the remaining three on the other. The former is said to concern "the investigation and discovery of the truth," while "the remaining three virtues aim at necessities."[43] Why does Cicero divide the honorable into two sorts of virtue? In addition to the conflict between the honorable and the useful, throughout *On Duties* there is a tension between wisdom and justice—that is, between the claims of the contemplative life and those of the political life. Panaetius had refused to entertain such a

conflict, as is evident from his division of appropriate action into three parts, omitting the possible conflicts between honorable things, as well as between useful things. Cicero tacitly acknowledges both in his fivefold division.[44] In his discussion of human nature and his division of the virtues into two sorts, he also tacitly acknowledges the superiority of wisdom and the contemplative life. Consider that after introducing the virtues of wisdom and justice, Cicero comments:

> Especially peculiar to the human being is the examination and investigation into the truth. And so when we are free from necessary business and concerns, we then crave to see, hear, and learn something. We consider inquiry into either hidden or admirable things necessary for a blessed life. . . . Associated with this longing for seeing the truth is a certain appetite for preeminence, so that a spirit well formed by nature wishes to obey no one except—for his own utility—one who advises or who teaches or who rules justly and legitimately.[45]

If human beings are social animals, or as Aristotle says to the same effect, political animals,[46] then the good arrangement of a political community may be called justice. But as there are conflicting claims about who should rule, so there are conflicting claims about which arrangement is just. An arrangement settled in favor of a given claim, whether the rule of one, few, many, or a mixture, may be called a political regime. In commenting that men who are desirous to rule will obey no one except those who advise, teach, or rule justly and legitimately, Cicero draws our attention to the need for political men to defer to contemplative men. If it is true that all human action aims at some good,[47] and that human beings are political animals, then human beings will naturally desire and require the good arrangement of their political community. But how would someone know which arrangement is just unless he has contemplated justice? As justice depends on contemplation of justice, so wisdom is superior to justice. And if there is nothing more appropriate to human nature than the pursuit of knowledge, knowledge that indicates that what is highest in nature is not what is human, then the contemplative life is superior to the political life.[48] This thought is

repeated in Cicero's extended discussion of the conflict between the contemplative and political lives at the end of book 1.[49]

In this extended discussion, Cicero seems to declare the superiority of justice and the political life: "I approve, then, of the opinion that those actions that are derived from community are much more appropriate to [human] nature than those from inquiry."[50] To understand his apparent endorsement, we must briefly turn to an earlier section comparing martial and civic magnanimity. At the end of Cicero's discussion of magnanimity in book 1, he discusses at great length whether the magnanimous actions of legislators or of generals are superior. He compares the victory at Salamis by Themistocles with the establishment of the Areopagus by Solon. Although the former may be cited as an outstanding action, the latter must be judged the more significant:

> For the former benefited their political community but once, while the latter will always benefit it. By this counsel the laws of the Athenians are conserved; by this counsel the institutions of their ancestors are preserved. Themistocles could in no way say that he aided the Areopagus, but it could truly be said to have aided Themistocles; for war was waged on the counsel of the very senate that was established by Solon.[51]

The magnanimous actions of legislators are superior to those of generals because they establish the very regimes under which a people flourish or fail. The institution of the Areopagus established by Solon provided the prudent counsel upon which victories such as the one at Salamis depend. Such a relationship between legislators and generals illustrates the relationship between justice and magnanimity. Consider that previously Cicero had declared a crucial component of magnanimity to be courage to fight "on behalf of communal well-being," that is, on behalf of justice.[52] Courage is in itself neutral; like an instrument, it may be used for good or ill.[53] Unless a courageous man is a just man, he may fight courageously on behalf of wickedness. Thus magnanimity is subordinate to justice, generals to legislators, Themistocles to Solon. But how do legislators know what to legislate? How do they know what is just?

In the central sections[54] of his extended discussion of the conflict between the contemplative and political lives,[55] Cicero notes that the pursuits of those whose lives are devoted to inquiry are exceedingly useful, insofar as they have taught those who become legislators. Cicero acknowledges that he himself could properly assist the Roman commonwealth only after being taught by such men.[56] He concludes with what appears to be an about-face endorsement of wisdom and the contemplative life:

> Nor merely in life and in person do [the wise] teach and instruct those eager to learn, but even in death they achieve the same thing with their monumental writings; for there is no subject omitted by them that pertains to the laws of a commonwealth, to its customs, to its education, so that they seem to have devoted their leisure to our activity. Thus in their devotion to learning and dedication to wisdom these very people above all offer their understanding and prudence for the utility of other human beings.[57]

Again, as justice depends on contemplation of justice, so wisdom is superior to justice. And if there is nothing more appropriate to human nature than the pursuit of knowledge, knowledge that indicates that what is highest in nature is not what is human,[58] then the contemplative life is superior to the political life.[59]

In sum, Cicero's discussion of human nature[60] and his subsequent division of the virtues into two sorts[61] introduce two important considerations that will determine how Cicero himself resolves the conflict between the honorable and the useful. First, the needs of human beings as living beings for security and procreation, that is, self-preservation and preference for "one's own," create conflicts between private good and public good, and thus between utility and honorableness. Second, while wisdom, justice, magnanimity, and propriety are virtues specific to human beings, wisdom is the preeminent virtue upon which the other three necessarily depend. As wisdom is the superior virtue, and the pursuit of wisdom is the pursuit most appropriate to human nature, so the contemplative life is the superior life. And yet why does Cicero not explicitly state these two important considerations? What accounts for his reticence?

II

Cicero's reservations about explicitly acknowledging wisdom may be understood in light of his exceedingly brief treatment of wisdom in the first book,[62] a treatment similar in brevity and importance to his discussion of the nature of living beings.[63] What is the reason for the apparent neglect? The answer requires readers to fully understand the difference between "entirely" and "ordinarily" appropriate action.[64]

First, consider that Cicero states he will discuss only ordinarily appropriate actions, not entirely appropriate ones.[65] Next, consider that when discussing the remaining virtues, useful things, or their comparisons, Cicero generally obeys a formula: he introduces an overly simplistic definition of the subject under consideration, proceeds to give precepts in light of that definition, and then subtly muddies the water by listing an exception or two. In so doing, he effectively argues on both sides of an issue and behaves like the Academic skeptic he is.[66] Finally, consider that *On Duties* is addressed to Cicero's young son, Marcus, but not only to Marcus;[67] it concerns Rome, but not solely Rome.[68] It is addressed to all potential statesmen. These statesmen may or may not have the potential for wisdom. How can a man understand something that he is incapable of understanding, or, again, how can you teach a man something that cannot be given as a precept? What must be understood is that by first discussing ordinarily appropriate actions and then subtly introducing their exceptions, Cicero invites readers to consider what an entirely appropriate action might look like. Thus he makes readers discover the probable "right" answer for themselves. The entire treatise turns into one long dialogue between the author and the reader. Truly, this is the only way to teach the virtue of wisdom.

Moreover, Cicero was very aware that the contemplative life, or philosophy, is regarded with suspicion and dislike by the majority of men,[69] to say nothing of the practical Romans. The Romans tended to view it as a rather undignified Greek activity.[70] Cicero himself considered philosophy the pursuit of wisdom,[71] a pursuit that offered only probable answers to perennial questions,[72] but a pursuit whose beauty was such that one never

ought to tire of it.[73] In order to introduce philosophy into Rome,[74] he had to adopt Roman prejudices in favor of the superiority of the political life, while dissembling his own opinions.[75]

Cicero's method of teaching wisdom and his desire to dissemble his own opinions culminate in *On Duties* in the following argument:

> But I fear someone may wonder why, although there is agreement among all philosophers, and it has often been so argued by me as well,[76] that he who possesses one virtue possesses them all, why now virtue has been divided, as if someone could be just who was not likewise prudent? Sometimes the truth itself is subtly whittled down in discussion, and sometimes the entire speech conforms to the common opinion. Accordingly, I speak now as the vulgar multitude does, in saying that some are courageous, others good men, still others prudent; for we must employ popular and conventional words when speaking about popular opinion.[77]

It is amusing to note that this argument occurs in a section devoted to trustworthiness as a means to attain glory.[78]

A man can only be just, magnanimous, or proper if he knows what justice, magnanimity, and propriety are; such knowledge depends on contemplation of these virtues; and such contemplation is the virtue of wisdom. Thus Cicero can conclude: "The honorable is indeed strictly and truly said to be that which resides in the wise alone and can never be wrested from virtue. Moreover, in those in whom wisdom does not entirely exist, the honorable by no means entirely exists; similarities of the honorable can exist."[79] But the question remains, To whom does Cicero intend such "popular and conventional words," and to whom does he prescribe ordinarily appropriate actions?

III

Cicero's reservations about explicitly acknowledging utility must be understood in light of the inadequate if noble opinions of the Stoics, and the

incomplete and ignoble opinions of the Epicureans. To begin with the former, the Stoics argued that there is no conflict between the honorable and the useful, as all appropriate action is honorable action. Therefore, they could claim that "whatever is honorable is useful, and that nothing is useful that is not honorable."[80] All other considerations are simply to be "preferred" or "rejected," but are not in themselves goods.[81]

The action they considered most appropriate in the relations between human beings is the precept not to harm another for one's own gain:

> And so for one human being to take something belonging to another human being, and to enlarge his own advantage to the disadvantage of another, such is more contrary to nature than death, than poverty, than pain, than all the rest that can happen to his body or external goods.[82]

The Stoics entertained no exceptions to this precept, such as the nature and thus limitations of all living beings. Such a precept is established by "the very reasoning of nature, a reasoning that is a law divine and human."[83] Cicero puts this natural law not to harm another for one's own gain into a Stoic syllogism: (1) all individual human beings are members of the same human race, and so what is useful to one is the same as what is useful to another; (2) as members of the same human race, we are thus bound by the same natural law; (3) therefore, one human being ought not harm another human being.[84]

It is one thing to consider all human beings members of the human race, but quite another to consider every human being equally obliged to every other human being. Might not human beings be social by degree, and thus there be different degrees of obligation? Might not they refuse "to take from a parent or brother for the sake of their own advantage, but [apply] a different reasoning . . . to the rest of the citizenry?"[85] Or might not they say that "this reasoning ought to apply to citizens, but not to foreigners?"[86] The Stoics rejected all such arguments:

> [Such] people sunder the association common among the entire human race, an association that, once destroyed, beneficence, liberality, goodness, and justice are utterly destroyed. Those who destroy these

> things must be judged to have also acted impiously toward the immortal gods; for they overturn the association that has been established among human beings by them. The firmest bond of this association is the judgment that for one human being to take from another to further his own advantage is more contrary to nature than any disadvantage to either his external goods or his body or even his very spirit. Such actions are devoid of justice, and justice is the single virtue that is queen and ruler of all the virtues.[87]

The decree of the natural law not to harm another for one's own gain culminates in the declaration that justice is the preeminent virtue. But what led the Stoics to argue for such a natural law? We will remember that the precept not to harm another for one's own gain is founded upon "the very reasoning of nature, a reasoning that is a law divine and human."[88] Moreover, its equal observance by all members of the human race is said "to have been established among human beings by [the immortal gods]."[89] Thus the natural law is actually a divine law, insofar as the gods created nature and man. It is the gods who have decreed that "everything that arises on earth is created for the use of human beings, but human beings are born for the sake of other human beings, so as to benefit one another."[90] Human beings are privileged among all other living beings, as only human beings share the gods' power of reason; and this power of reason is intended to be used to understand the divine will that orders nature.[91] Therefore, wisdom is said to be "knowledge of things divine and human—knowledge that encompasses the community between the gods and human beings, as well as the association between them."[92]

In sum, the Stoic teaching on natural law is the source of the precept not to harm another for the sake of one's own gain; the source of the decree that every human being is equally obliged in this respect to every other human being, and so the cause of the elevation of justice as the preeminent virtue; and thus the source for the declaration that all appropriate action is honorable action. There are no useful actions that are not honorable. Such a natural law teaching is consistent with the Stoic understanding that "nature is a force that partakes in reason and orderliness—as if she were proceeding along a path, revealing what she does for the sake of each thing, at what she

aims—whose ingenuity no art, no hand, no craftsman, can achieve by imitation."[93] But such a teaching proves inadequate.

The Stoic teaching that there are no useful actions that are not honorable actions ignores that human beings are still living beings. The honorable encompasses the virtues specific to human beings, but the useful includes the needs common to all living beings. As human beings are living beings, they will be bound by the same nature and thus limitations of all living beings. Is there truly never a time when the conditions for mere life, self-preservation, conquer those of political life, justice? Moreover, the Stoic teaching that man is wholly a social animal eliminates any conflicts between public and private good. The problem with this final argument is demonstrated by Cicero in an imaginary dialogue between Diogenes of Babylon (ca. 240–152 BC) and Antipater of Tarsus (fl. 2nd century BC).

Cicero offers a hypothetical situation. Suppose a grain merchant sets out from Alexandria to Rhodes during a time of scarcity and famine; suppose he knows other grain merchants also had set out for Rhodes but that he arrived there first; should he tell all this to the Rhodians, or remain silent and sell his own grain for as much as possible?[94] The brief dialogue that follows between Diogenes and Antipater is the most important of all such exchanges in the treatise:

> For Antipater, everything must be disclosed, so that the buyer is in no way ignorant of what the seller knows; for Diogenes, the seller ought to disclose any vices, insofar as it is required by civil law, and otherwise to act without treachery, but since he is selling he ought to wish to sell at the best price possible: "I conveyed, displayed, and sell my grain for no more than others do, perhaps for even less, when there is a greater abundance of it. Who is injured?"
>
> The reasoning appears otherwise to Antipater: "What are you saying? You who ought to look to the interests of human beings and preserve human association; you who were born under this law[95] and possess these principles of nature, a law and principles that you ought to obey and follow, insofar as your utility is the common utility, and the common

utility is yours in turn; you will conceal from human beings such advantages and abundance as would aid them?"

Diogenes will perhaps reply thus: "It is one thing to conceal, another to remain silent. I do not now conceal from you, if I do not tell you, what the nature of the gods is, what the end of good things is, matters that if inquired into would benefit you much more than cheap wheat. But what is useful for you to hear is not likewise necessary for me to say."

"On the contrary," he says, "it is in truth necessary, if in fact you remember that human beings are united in association by nature."

"I remember," he says, "but is that association such that no one may possess anything as his own? If so then *nothing* must be sold, but everything given away."[96]

Diogenes's final reply hints at the profound problem with Antipater's and thus the traditional Stoic teaching: complete disclosure is only possible when the individual's good is identical to the community's. For in a perfect community, everything would be possessed in common, and there would be no private property, much like a community of ants, bees, or termites, or the community of guardians in Plato's *Republic*.[97] But even ants, bees, and termites only protect hives of "their own"; they will attack the hives of other members of their species in the interest of their own self-preservation. If even social insects do not concern themselves equally with all members of their species, is it not still more problematic to believe human beings do?

The Stoic natural law teaching not to harm another for one's own gain is substantially weakened in light of the needs of all living beings, and the consideration that human beings may not be wholly social, a consideration to which we will return. Nevertheless, Cicero far preferred that good men such as Marcus hear the inadequate if noble teaching of the Stoics than the ignoble and incomplete teaching of the Epicureans.[98]

IV

The Epicureans argued that there is no conflict between the honorable and the useful, as all appropriate action is useful action. They taught that "virtue ought to be cultivated because it could prove to be useful,"[99] and measured the utility of an action by its resulting pleasure or absence of pain.[100] All considerations of virtue had to be reduced to those of utility, wisdom in particular amounting to little more than a proper calculation of how to attain the greatest amount of bodily pleasure.[101]

Epicureanism taught that human beings are first and foremost individuals.[102] As individuals, they owe nothing to any other member of their species; if they choose to associate, they do so only out of convenience. As individuals could not "accomplish the things that nature requires without the help of others, consequently community and association began among human beings—owing to the necessities of life."[103] Thus human association, or political community, is the result of weakness.[104] It is unnatural. As political community is unnatural, so they reasoned is justice. Justice is peculiar from nation to nation, and even in the same nation from age to age.[105] It is never desired for its own sake, but always in the interest or utility of some part of the political community. There is no common good.[106] But whether one is part of the ruling faction or not, as an individual, man must be continually compelled by fear of punishment to be just to others in his political community. Since human beings associate only out of convenience, as soon as such association becomes inconvenient, they will disassociate themselves; as soon as observance of the laws becomes unpleasant, they will furtively disregard them.[107] Consequently, the Epicureans taught that it is human nature to seem just but to practice injustice. They concluded that man always acts out of considerations of utility.

The crux of the Epicurean argument in *On Duties* is found in Cicero's retelling of the story of Gyges.[108] When a great rain shower revealed a fissure in the earth, a shepherd named Gyges descended into the open chasm and found a huge bronze horse with doors on its side. When he opened these he saw the body of an enormous human being, long dead, wearing a gold ring on its finger. Gyges removed the ring, put it on, and proceeded to an assembly of shepherds. When there he turned the bezel of

the ring toward his palm, he became invisible; when he turned it back, he became visible again. And so using the opportunity afforded by the ring, he raped the queen, killed the king, and became the ruler of Lydia. Cicero concludes: "The force of the ring and the example is this: if no one would know, no one would even suspect, that you had done something for the sake of wealth, power, dominion, lust, if it would always be unknown to gods and human beings, would you do it?"[109] Many refuse to entertain such a question, believing it no more than a story.[110] What they fail to see is that the unnoticed unjust actions of supremely clever individuals are effectively the same as those committed with a ring of invisibility.[111] This Epicurean challenge looms large in the background of *On Duties*.[112]

If the Epicurean argument is true, it is then quite reasonable to constitute a political community that aims at man's true end, pleasure, while securing it by means of his true bearing, selfishness. The consequences of this argument were most fully realized and developed in the seventeenth century by Thomas Hobbes, whose *Leviathan* proved a blueprint for much of modernity. Hobbes reduced the entire human condition to matter in motion, specifically, the motions of appetite and aversion.[113] The only absolute motion, the motion according to nature, is said to be the aversion to death.[114] Thus the only natural right is self-preservation. All other considerations are arbitrary:

> But whatsoever is the object of any man's appetite or desire that is it which he for his part calleth *good*; and the object of his hate and aversion, *evil*; and his contempt, *vile* and *inconsiderable*. For these words of good, evil, and contemptible are ever used with relation to the person that useth them, there being nothing simply and absolutely so, nor any common rule of good or evil to be taken from the nature of the objects themselves, but from the person of the man (where there is no commonwealth), or (in a commonwealth) from the person that representeth it, or from an arbitrator or judge whom men disagreeing shall by consent set up, and made his sentence the rule thereof.[115]

Men, said Hobbes, like the Epicureans before him, associate out of weakness. The original condition of man was one of solitude, continual

fear, and insecurity; man sought political community to escape such wretched circumstances. Since the original condition was one of continual war in which everyone could defend themselves by any means necessary, there is no natural justice. In a war of all against all, nothing can be unjust. Justice and injustice arise only after the establishment of a particular political community. Where there is no common power, there is no law; where there is no law, there is no justice. In short, justice and injustice cannot be reduced to properties of matter in motion that are the same for all men, everywhere, at all times; rather, they are the conventions of men living in unnatural community, not natural solitude.[116]

What then? Is it not reasonable to constitute a political community founded on man's desire for security and comfort, that is, pleasure, and police it by means of that very desire for security and comfort, namely, selfishness?[117] Utility must be made to counteract utility—or as James Madison would later say, "Ambition must be made to counteract ambition."[118] To be sure, the pleasures that individuals engage in must be of the most trivial sort, material well-being and harmless attachments, and their pursuits must not be allowed to weaken the political community by seeking a good higher than that of comfortable self-preservation.[119] But is this not reasonable in the face of the alternative?[120] One need only mention in passing that John Locke would sweeten Hobbes's modern political hedonism by emphasizing the hedonism portion as much as the political in declaring commodious life to be as essential to man as mere life.[121] Would not the most pressing questions thereafter concern how to fairly distribute the spoils in this scramble for individual pleasure? Would not the name for such a distribution *mutantis mutandis* be called "justice?" Would not the new reorientation of political community become utility? But such an Epicurean teaching, classical or modern, is incomplete and ignoble.

Epicureanism saw man as an individual, who uses his power of reason only to further his own individual good, looking to the good of others only as necessary;[122] it reduced the use of his reason purely to fulfilling his needs as a living being, the virtue of wisdom amounting to little more than a proper calculation of how to achieve the most bodily pleasure.[123] It was highly impressed by arguments such as the following: imagine a shipwreck,

two survivors, and one plank of wood. The plank will support only one man. Will not the stronger man push the weaker off to survive, especially as there is no other escape and no other witnesses in the middle of the sea?[124] Thus Epicureanism was highly impressed by the need of all living beings for self-preservation.[125] It did not consider that man may be social to a degree, thereby still allowing for his needs as a living being, and thus considerations of utility. Moreover, Epicureanism promoted atheism in its understanding of nature as nothing more than "bodies and void and the interactions that might occur between them."[126] True, Epicureanism taught that there were gods. But as these gods were said to be material beings living in interstellar space who are indifferent to human beings, Cicero believed such a teaching at best a facade to avoid popular odium, at worst destructive of providence.[127] Both undermine piety. As the majority of human beings are incapable of entirely appropriate action, they are incapable of wisdom;[128] as they are unwise, they are unlikely to obey laws whose commands originate solely from human contemplation of what is right according to human nature.[129] Such natural right must be diluted into natural law, and such natural law must be sanctioned by a divine lawgiver.[130] Thus piety becomes an important and useful tool in ensuring obedience to law.[131] Insofar as Epicureanism promotes atheism, it undermines piety; insofar as it undermines piety, it erodes law-abidingness.[132] And it is on account of its incomplete and ignoble teaching that Cicero consistently opposed Epicureanism.

V

Cicero the Academic skeptic acknowledged both the honorable and the useful as two sides of human nature. He could define "a commonwealth as a 'concern of a people.' But a 'people' is not simply any group of human beings united in any way, but a group of great size, united in agreement about what is right as well as for mutual utility."[133] Thus he could teach that the appropriateness of every action must take into consideration both honorableness and utility.

Cicero followed the Peripatetics in emphasizing the importance of both the honorable and the useful, while holding the former to be the more important of the two.[134] He admitted, albeit discreetly, that there is a conflict between the honorable and the useful. Why else would he continually introduce such a deliberation throughout the first two books, let alone include the entirety of the third? Consider that while Cicero does not judge honorableness solely on the criteria of whether it produces pleasure or reduces pain, he does concede that, first, honorableness is sometimes useful;[135] second, the appearance of honorableness is sometimes necessary;[136] and, third, necessity sometimes requires useful things or pursuits that in themselves are not honorable.[137] The best example of the latter is his subtle caveat to a precept on liberality. Cicero strongly disapproved of wasteful expenditures, such as those spent on banquets, gladiatorial shows, and other spectacles; better to spend it ransoming captured men, assuming the debt of friends, or financing their daughters' weddings.[138] He praises Aristotle for similarly reproaching such outpourings of money. He then comments: "But [Aristotle] adds that if those who are besieged by an enemy are compelled to purchase a pint of water for a mina,[139] at first this seems incredible to us, and everyone is amazed; but when they have considered the matter more closely, necessity pardons it."[140] The implication is clear. There are circumstances in which necessity compels the opposite of the precept not to spend lavishly. In this case, the necessity is survival. And unlike paying large ransoms for captured men, or assuming the debt of friends, there is nothing inherently honorable about paying a small fortune for a pint of water merely to prevent one's dying of thirst.

As demonstrated in Cicero's discussion of human nature,[141] human beings are still living beings and as such must concern themselves with security and procreation.[142] The former is best illustrated in Cicero's discussion of the nature of warfare;[143] the latter, the nature of human affection.[144] To begin with the former, in discussing just warfare, Cicero obeys his usual procedure in prescribing a simple precept and then subtly offering an exception. He declares that "wars must be undertaken . . . so that we may live in peace without injury,"[145] and proceeds to outline precepts for the clement and humane treatment of enemies.[146] But then he introduces the

consideration that there are actually two sorts of warfare, wars fought for glory and wars fought for survival:

> In truth, when struggling over rule and war is sought for glory, there certainly ought to be the same underlying causes that I said above are just causes for war. But these wars that have the glory of rule as their object must be waged less harshly. For as when we struggle with a fellow citizen one way if he is an enemy, another if he is a rival—the latter a struggle over honor and distinction, the former over life and reputation—so war was waged with the Celtiberians and Cimbrians, as if with deadly enemies, simply to survive, not to rule;[147] but the struggle with the Latins, Sabines, Samnites, Carthaginians, and Pyrrhus was over rule.[148]

The existence of two sorts of warfare seems to imply two sorts of actions appropriate to warfare. Do the precepts for just warfare apply only to wars ordinarily fought, namely, over a desire to rule, but not to those over mere survival? What might be permitted in a war for survival? What must never be permitted?[149] Such extraordinary circumstances require extraordinarily appropriate actions. They require wisdom. It is also worth noting that nowhere does Cicero indicate the possibility of ending war as such. Instead, expansion and conflict with neighboring political communities seem to be a part human life.

The second need of all living beings is to procreate and show some degree of concern for their offspring.[150] How does that need and concern manifest itself in human beings? This question can best be approached in Cicero's discussion of the nature of human affection.[151] An essential part of the virtue of justice is said to be beneficence.[152] Beneficence is the act of one human being choosing to benefit another with either services or money.[153] Following his now-familiar procedure, Cicero first prescribes that we must "give the most assistance to whoever is most in need of our influence."[154] This seems reasonable if the Stoic natural law teaching is correct in decreeing that every human being is equally obliged to every other human being.[155] However, immediately after giving this precept Cicero states that

"[it] seems we must now revisit more thoroughly the natural beginnings of community and human association."[156]

It is one thing to note that human beings are political animals and justice is something like the good arrangement of political community, but it is quite another to define what exactly encompasses "political community." The nature of human affection greatly determines in what way and how far justice and beneficence can reasonably be said to extend. Cicero draws a series of concentric circles, in the center of which is placed the family.[157] The family receives the strongest degree of affection and care because it is the nursery of one's own children, to whom human beings en masse feel the greatest attachment.[158] It is the family that fulfills the need for human beings as living beings to procreate and show some degree of concern for their offspring; and it is this concern for the family that anchors any further concern for larger associations. Departing from the family and moving outward in this series of concentric cycles, to one's own commonwealth, people, and, finally, to the human race itself, man's affection and attachment exponentially weaken. For example, one cannot expect a man born, raised, and residing in Maine to care as much about a man from Montana as he does for his fellow Mainer, let alone about a man as far away as Madagascar. To be sure, as a fellow human being, the man from Maine will care to some extent for the man from Madagascar, but given the paucity of resources[159] he will care more about the man from Montana, his fellow countryman, still more about his fellow Mainer, and most of all about his own family.[160] And this in spite of the precept to give to whoever is most in need.[161]

In revisiting the natural beginnings of community and human association, Cicero subtly notes the limitations of justice and beneficence. His discussion of human affection, along with his notes on the limitations of precepts in general,[162] serves to limit everything that he previously said on justice and beneficence. In so doing, Cicero points the reader toward considerations of entirely appropriate actions, as opposed to ordinarily appropriate actions. The key ingredient is again wisdom. Given the paucity of resources and a human affection that naturally favors its "own," the wise statesman must think twice about the likelihood of long-term success in

overly cosmopolitan initiatives, such as those advocated by Stoicism or, for that matter, modern liberalism.

Cicero's teaching on the honorable and the useful originates in human wisdom alone.[163] This is evident in his second definition of wisdom, which occurs in an encomium of philosophy:

> What, by the gods, is more desirable than wisdom? What is more excellent, what is better for a human being—what is worthier of a human being? Those who aspire to this are called philosophers; nor is "philosophy" anything other, should you wish it translated, than "the pursuit of wisdom."[164] Further, "wisdom," as defined by the philosophers of old, is "knowledge of things divine and human, as well as of the causes that comprise them." If someone condemns this pursuit, I in no way understand what he would think praiseworthy.[165]

We will remember that Cicero's first definition of wisdom was "knowledge of things divine and human—knowledge that encompasses the community between the gods and human beings, as well as the association between them."[166] This is a Stoic definition emphasizing wisdom as recognition of the divine will that orders nature. Cicero's second definition of wisdom is "knowledge of things divine and human, as well as of the causes that comprise them."[167] We are told no more than that this is the definition of "the philosophers of old."[168] The crucial word in this passage is the verb "comprise"; in Latin, *continere*. More literally, *continere* means "to hold" or "keep together." If something is "held together" by something else, the former is subordinate to the latter in primacy. Moreover, the verb also means if something is "held together" by something else, it is also "enclosed" or "limited" in what it can do. Here, not only human beings but also the gods are said to be "held together" and thus "limited" by "causes"; in Latin, *causae*. If the gods or god is caused by something else, that "something else" can only be nature. In sum, Cicero's definition of philosophy is "the pursuit of wisdom," and his second definition of wisdom is knowledge, essentially, of natural causes. Thus he subtly implies that the gods are not the first things—and so the primary object of inquiry—but rather nature herself. This definition of wisdom is consistent with the

Academic understanding of nature as "a kind of force that lacks reason and induces necessary motions in bodies."[169] It is also worth noting that this is one of only two times in *On Duties* in which Cicero swears "by the gods." Given the second definition of wisdom, which follows, this might be Cicero at his most amusingly subtle.

Marcus Tullius Cicero recognized the inadequate if noble teaching of the Stoics on appropriate action, and prudently chose only to insinuate its inadequacy; he acknowledged the validity of some of the Epicurean teaching, but given its incomplete and ignoble nature, wisely chose to explicitly reject it; and he composed *On Duties* as a long dialogue between himself and readers to better guide potential statesman and philosophers in understanding the needs and virtues of this unique and complex living being, man.

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[1] See Cicero, *Letters to Atticus* 16.3.4, 16.3.6, 16.7.1.

[2] See Cicero, *On Duties* 2.45. Hereafter all citations with book and section numbers but no title are from *On Duties*.

[3] See Cicero, *Letters to Atticus* 15.13.6.

[4] Compare 3.6 with 2.2.

[5] See 3.56.

[6] See 1.31–32, 3.18–19, 3.32, 3.92–95.

[7] See 3.20. See also 3.5.

[8] See 1.6, 2.60, 3.7.

[9] See 1.10 and 3.7.

[10] See 3.8.

[11] See 1.4: "Although in philosophy there are many weighty and useful things discussed carefully and copiously by philosophers, the most widely accessible seem to be those concerning appropriate actions and the precepts derived from them. In fact, there is no part of life, neither public nor private, neither forensic nor domestic, neither in how you conduct yourself nor in your dealings with others, when is it possible to be free from appropriate action. It is in cultivating *this* that all honorableness in life lies, and in neglecting it, disgrace."

[12] See 3.8.

[13] See 1.7.

[14] See 1.10. Also see 3.7.

[15] Walter Nicgorksi has demonstrated that the claim that Cicero was a compiler and not a thinker is largely supported by a *single* ambiguous reference in a letter written by Cicero; countless other references that indicate Cicero's serious engagement with philosophy disprove it. See Walter Nicgorski, "Cicero and the Rebirth of Political Philosophy," *Political Science Reviewer* 8 (1978): 73. Also see Cicero, *Letters to Atticus* 12.52.3.

[16] See 1.6, 2.60, 3.7.

[17] See 1.7, 1.10, 1.152, 1.161, 2.86, 2.88, 3.7ff., 3.33.

[18] See 2.7–8, 3.20, 3.33.
[19] See Cicero, *Academics* 1.46.
[20] See Cicero, *Academics* 1.17, 2.7–9; *Tusculan Disputations* 1.23, 2.4–5, 2.9, 3.12, 5.11; *On the Nature of the Gods* 1.6, 11–12; *On Divination* 1.7, 2.8–9; *On Fate* 3–4; *On Duties* 2.7–8. See also *On Ends* 2.2–3, where despite Cicero's claim that the dialectical Socratic method is superior, the skeptical Academic method is still followed.
[21] See Cicero, *On the Nature of the Gods* 3.27–28.
[22] See Cicero, *Academics* 2.119; *On the Nature of the Gods*, 2.4–6, 2.73ff., 3.65.
[23] See Cicero, *On the Nature of the Gods* 1.65–67 and 1.73.
[24] See Cicero, *Academics* 2.119–121; *On the Nature of the Gods* 1.35.
[25] See Cicero, *On the Nature of the Gods* 2.81–82.
[26] For the discussion of human nature, see 1.11–14; for the brief discussion of the nature of living beings, see 1.11.
[27] See 1.11.
[28] See 1.96–97.
[29] See 1.101.
[30] See 1.11.
[31] See 1.18.
[32] Ibid.
[33] See 1.11. See also 1.105 and 1.107.
[34] See 1.105.
[35] See 1.11 and 1.81.
[36] See 1.12.
[37] Ibid.
[38] Ibid. (emphasis mine). Latin: *quae cura exsuscitat etiam animos et maiores ad rem gerendam facit*.
[39] See also the end of 1.13.
[40] See 1.12, 1.15, 1.61–62.
[41] See 1.14.
[42] See 1.15.
[43] See 1.15–17.
[44] See 1.10 and 3.7.
[45] See 1.13.
[46] See Aristotle, *Politics* 1253a.
[47] See Cicero, *On Ends* 1.11. See also Aristotle, *Politics* 1252a; and, especially, *Nichomachean Ethics* 1094a: "Every art and every inquiry, and likewise every action and choice, seems to aim at some good, and hence it has been beautifully said that the good is that at which all things aim." Aristotle, *Nichomachean Ethics*, trans. Joe Sachs (Newburyport, MA, 2002).
[48] See especially Cicero, *On the Commonwealth* 6.16, 6.20ff. Consider also *On Ends*, 1.2-3; *On Duties* 2.5–6.

All references to *On the Commonwealth* are from K. Ziegler's edition, *M. Tullius Cicero: De re publica* (Leipzig, 1969). I have chosen to follow this edition over the more recent one by J. G. F. Powell as scholars are more familiar with its section numbering.

[49] See 1.153–160.
[50] See 1.153.

[51] See 1.75.
[52] See 1.12, 1.15, 1.61–62.
[53] Consider Plato, *Republic* 412e.
[54] See 1.155–156.
[55] See 1.153–160.
[56] See 1.155. See also Cicero, *Orator* 12.
[57] See 1.156.
[58] See especially Cicero, *On the Commonwealth* 6.16, 6.20ff. Consider also *On Ends*, 1.2–3; *On Duties* 2.5–6.
[59] Cicero's procedure initially to endorse the superiority of the political over the contemplative life, and only subsequently to imply the opposite, is reduplicated in his *On the Commonwealth*. There, in his preface to book 1, Cicero first seems to side with the political life. This preference is taken up by his character Scipio (see 1.15), gradually called into question (see 1.23–26), and, finally, entirely overturned in Scipio's long speech in praise of philosophy (see 1.26–29).
[60] See 1.11–14.
[61] See 1.15–17.
[62] See 1.18–19.
[63] See 1.11.
[64] See 1.8 and 3.14.
[65] See 1.7.
[66] See 2.8.
[67] See 2.45.
[68] See 2.74.
[69] See Cicero, *Tusculan Disputations* 2.4 and 3.1.
[70] See 2.2. See also Cicero, *On the Orator* 2.1–6 and 2.153–56. Consider also Tacitus, *Agricola* 4.
[71] See 2.5. See also Cicero, *Tusculan Disputations* 5.9.
[72] See 2.7–8, 3.20, 3.34.
[73] See Cicero, *On Ends* 1.2–3.
[74] See Cicero, *Tusculan Disputations* 2.5; *On Divination* 2.1–7.
[75] The latter is explicitly stated in Cicero's discussion of the origins of philosophy in his *Tusculan Disputations* 5.10–11: "But it was Socrates who first called down philosophy from the heavens and placed it in the cities, even introduced it into homes, and compelled it to search into life and customs, as well as good and bad things. His versatile reasoning in discussion, the variety of the things he discussed, and the greatness of his character, immortalized by the memory and writings of Plato, engendered a great many different sorts of philosophers. I myself have chiefly followed one such sort, thinking it the one Socrates used; one that allows me to conceal my own sentiment, relieve others from error, and, in every discussion, seek what is most similar to the truth."
[76] See Cicero, *Academics* 1.38; *On Ends* 5.66; *Tusculan Disputations* 3.14ff.
[77] See 2.35. See also Cicero, *On the Laws* 1.19.
[78] See 2.33–35.
[79] See 3.13.
[80] See 3.11. Also see 1.6, 2.10, 3.20, 3.33, 3.35.
[81] See Cicero, *On Ends* 3.15, 3.51–54.
[82] See 3.21.

[83] See 3.23.
[84] Ibid. See also Cicero, *On Ends* 3.63.
[85] See 3.28.
[86] Ibid.
[87] Ibid. See also 3.52.
[88] See 3.23.
[89] See 3.28.
[90] See 1.22. See also Cicero, *On the Laws* 1.25; *On Ends* 3.67; and *On the Nature of the Gods* 2.37 and 2.154ff.
[91] See 2.11. See also Cicero, *On the Commonwealth* 3.33; *On the Laws* 1.22–23.
[92] See 1.153.
[93] See Cicero, *On the Nature of the Gods* 2.81.
[94] See 3.50.
[95] Viz., the natural law.
[96] See 3.51–53. See also 1.20–21.
[97] See 3.26. See also Plato, *Republic* 416d–417b, 423e, 449cff.
[98] See 2.9, 3.5, 3.81. See also Cicero, *On the Laws* 1.37.
[99] See 3.12. See also 1.5, 3.18, 3.105.
[100] See 1.5 and 3.18. See also Cicero, *On Ends* 1.37–40; Lucretius, *On the Nature of Things* 2.14–61.
[101] See 3.117. See also Cicero, *On Ends* 1.42–54, 2.6–7, 2.52; Epicurus, fragment 67 (Usener numbering).
[102] See Lucretius, *On the Nature of Things* 5.959–961.
[103] See 1.158.
[104] See Cicero, *On the Commonwealth* 3.23. See also Lucretius, *On the Nature of Things* 5.1019ff.
[105] Cicero, *On the Commonwealth* 3.13–18.
[106] Cicero, *On the Commonwealth* 3.23. Consider also Lucretius, *On the Nature of Things* 1108ff.
[107] Consider Cicero, *On the Commonwealth* 3.18; *On Ends* 2.28; Lucretius, *On the Nature of Things* 5.1151ff.
[108] See 3.38. See also Herodotus, *Histories* 1.7ff.; Plato, *Republic* 359cff.
[109] See 3.39.
[110] 3.39.
[111] See Cicero, *On the Commonwealth* 3.12–27; *On the Laws* 1.41; *On Ends* 2.51–59.
[112] See 1.5, 1.158, 2.7, 3.12, 3.18, 3.102, 3.105, 3.116–120.
[113] See Hobbes, *Leviathan*, chap. 6. Compare this reductionism with the Epicurean understanding of nature. See Cicero, *On the Nature of the Gods* 1.65–67, 1.73, 2.81.
[114] See Hobbes, *Leviathan*, chap. 14.
[115] See Hobbes, *Leviathan*, chap. 6. All quotations are from Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis, 1994).
[116] See Hobbes, *Leviathan*, chap. 13.
[117] Ibid: "The passions that incline men to peace are fear of death, desire of such things as are necessary to commodious living, and a hope by their industry to obtain them."
[118] See James Madison, *Federalist Paper* 51.
[119] See Hobbes, *Leviathan*, chaps. 22 and 29. See also *Leviathan*, chaps. 14–15 for how the "natural law" is harnessed in the service of Hobbes's new teaching. All the "natural laws" listed by Hobbes

emphasize conditions necessary for a peaceable commonwealth dedicated to comfortable self-preservation.

[120] See Hobbes, *Leviathan*, chap. 13: "Whatsoever therefore is consequent to a time of war, where every man is enemy to every man, the same is consequent to the time wherein men live without other security than what their own strength and their own invention shall furnish them withal. In such a condition there is no place for industry, no culture of the earth, no navigation, nor use of the commodities of moving and removing such things as require much force, no knowledge of the face of the earth, no account of time, no arts, no letters, no society, and which is worst of all, continual fear and danger of violent death, and the life of man, solitary, poor, nasty, brutish, and short."

[121] See Locke, *Second Treatise of Government*, chap. 5 and elsewhere.

[122] Epicureanism was famous for its emphasis on the importance of friendship. But as it reduced everything to the utility of individuals, it could not admit the love of another as much as oneself. A man who seeks only his own pleasure seeks friendship only for his own gain. For Epicureanism's incompatibility with friendship, see 1.5 and 3.118. See also Cicero, *On Ends* 2.78–85; *On Friendship* 46ff.

[123] See 3.117. See also Cicero, *On Ends* 1.42–54, 2.6–7, 2.52; Epicurus, fragment 67 (Usener numbering).

[124] See 3.89–90. See also Cicero, *On the Commonwealth* 3.30.

[125] See 3.117.

[126] See Cicero, *On the Nature of the Gods* 2.82. See also Epicurus's *Letter to Herodotus* (on natural philosophy) and *Letter to Pythocles* (on the heavenly bodies), found in Diogenes Laertius 10.34–83 and 10.83–116, respectively; Lucretius, *On the Nature of Things* 1.149–482.

[127] See Cicero, *On the Nature of the Gods* 1.85, 1.115ff., 1.123. See also Lucretius, *On the Nature of Things* 2.167–183, 2.1090–1104, 5.110–415, 5.1161–1240.

[128] See 3.13–16.

[129] See Cicero, *On the Nature of the Gods* 1.118.

[130] Consider Cicero's two uses of the term *lex naturae*, or "law of nature." First, he uses it in a Stoic sense in which its meaning is synonymous with *lex naturalis*, or "natural law," and, second, in a general sense in which its meaning is synonymous with *ius naturale*, or "natural right." The former use rests on laws decreed by a supreme god; the latter, on human wisdom alone. For the first sense, see especially 3.23, 3.27–28; *On the Commonwealth* 3.33; *On the Laws* 1.18–19, 1.22–23, 2.8. For the second sense, see *On the Commonwealth* 1.27.

[131] Compare Cicero, *On the Nature of the Gods* 1.118 with *On Divination* 1.5, 2.28, 2.43, 2.70, 2.74–75.

[132] See Cicero, *On the Laws* 1.43; *On the Nature of the Gods* 1.115–117, 1.121.

[133] See Cicero, *On the Commonwealth* 1.39. Consider also Aristotle, *Politics* 1252b28–29.

[134] See 1.6, 3.11, 3.20, 3.33, 3.35.

[135] See the whole of book 2, but especially 2.17–18, 2.21–22, 2.65, 2.69ff.

[136] See especially 2.39ff and 2.44.

[137] See 2.19–20, 2.56–60.

[138] See 2.55.

[139] At the time of the Peloponnesian War, a mina would have been the amount an Athenian juror would have been paid by the city for two hundred days of jury duty.

[140] See 2.56.

[141] See 1.11–14.

[142] See 1.11.

[143] See 1.34–40.
[144] See 1.50–55.
[145] See 1.35.
[146] See 1.35–37.
[147] See 1.81.
[148] See 1.38. See also 3.87.
[149] See 1.159.
[150] See 1.11.
[151] See 1.50–55.
[152] See 1.20.
[153] See 2.52.
[154] See 1.49.
[155] See 3.23. See also Cicero, *On Ends* 3.63.
[156] See 1.50.
[157] See 1.53.
[158] See 1.12.
[159] See 1.52.
[160] For a similar remark on the nature of human affection and association, see 3.69. See also Cicero, *On Friendship* 19: "For it seems clear to me that we were so born that there is a certain association between all of us, but one that becomes greater the closer one person comes to another. And so fellow citizens are preferred to foreigners, relatives to strangers; for with them nature herself engenders friendship, albeit a friendship that is somewhat unreliable."
[161] See 1.49.
[162] See 1.30–32 and 3.92–95.
[163] See Cicero, *On the Commonwealth* 1.27.
[164] See Cicero, *Tusculan Disputations* 5.9.
[165] See 2.5.
[166] See 1.153.
[167] Latin: *rerum divinarum et humanarum causarumque quibus eae res continentur scientia*. Literally: "knowledge of things divine and human, as well as of the causes by which those things are held together."
[168] See, e.g., Xenophon, *Memorabilia* 4.6.7; Aristotle, *Nicomachean Ethics* 1141b; *Metaphysics* 1025b5–7. See also Diogenes Laertius, *Lives of Eminent Philosophers* 3.63.
[169] See Cicero, *On the Nature of the Gods* 2.81 and 3.27–28.

Glossary

This glossary is comprised of key words found throughout *On Duties*. It is not meant to be exhaustive. Words are listed alphabetically in English; further distinctions are listed in bold within a given entry. All words have been consistently translated unless otherwise noted.

Academics (*Academici*) The first of the four great philosophical schools of antiquity, the Academy was the school outside the walls of Athens, founded by Plato around 385 BC. Diogenes Laertius divided its history into three periods: the Old, Middle, and New Academies. Cicero recognized only two: the Old and the New. The Old Academy he considered to be more dogmatic in its approach to Plato's dialogues and the possibility of knowledge; the New Academy, much more skeptical in its stance toward both. The New Academy, also called Academic skepticism, considered absolute knowledge unobtainable; what can be known is what is more or less probable. Arguments are advanced on both sides of an issue in order to uncover the most likely answer. Cicero associated this Academic skepticism with the position taken by Plato himself. However, it must be stressed that Academic skepticism was not Pyrrhonism. Academic skepticism did not debar one from accepting verisimilitude, or highly probable arguments. Throughout his writings, Cicero consistently describes himself as an Academic skeptic.

For Cicero as an Academic skeptic, see 2.7–8; *Academics* 1.17, 2.7–9; *Tusculan Disputations* 1.23, 2.4–5, 2.9, 3.12, 5.11; *On the Nature of the Gods* 1.6, 11–12; *On Divination* 1.7, 2.8–9; *On Fate* 3–4. See also *On Ends* 2.2–3, where despite Cicero's claim that the dialectical Socratic method is superior, the skeptical Academic method is still followed. For Cicero maintaining that Academic skepticism is consistent with the position taken by Plato himself, see *Academics* 1.46.

appetite (*appetitus*) *Appetitus* is the Latin equivalent of the Greek word *horme*. It implies a strong or passionate desire for something. I have translated both *appetitus* and its cognate *appetitio* as "appetite." Cicero contrasts appetite with reason. See 1.101 and 2.18. See also **reason**.

appropriate action (*officium*) Cicero selected *officium* as the Latin translation of the Greek word *kathekon*. Except for the traditional title and a few noted rare instances, I have avoided the traditional English translations of *officium* as "duty" or "obligation," preferring to adopt the less euphonic, but much more accurate "appropriate action." Duty and obligation as Cicero understood the concept imply actions that look toward the preservation and cultivation of human association or the common good. Not all actions that are appropriate to either the needs or the virtues of human beings look to the common good. Thus translations such as duty and obligation do not encompass *officia* in general. While I have consistently translated *officium* as "appropriate action," it is sometimes awkward in English to put the words side by side. In such instances, I separate them. However, the reader will always know *officium* is being translated because the words "appropriate" and "action" appear within the same clause. See, e.g., 1.59: "Now in appropriately performing all these actions, we must consider what is most necessary for each person, and what each person could or could not obtain without our help. Thus degrees of rapport and those of circumstance are not the same, and there are actions which are more appropriately owed to some than to others."

Cicero further contrasts two kinds of appropriate actions: ***officium perfectum***, or those actions that are "entirely appropriate," and ***officium medium*** or ***commune***, or those that are "ordinarily" or "commonly appropriate." *Perfectum*, from the verb *perficere*, is Cicero's Latin substitute for the Greek *katorthoma*, both of which mean "something done thoroughly" or "something accomplished successfully." Thus I have translated *officium perfectum* throughout as an "entirely appropriate action." *Medium* and *commune* are Cicero's substitutes for the Greek *meson*, all of which mean "middling," "ordinary," or "common." Thus I have translated *officium medium* or *commune* throughout as an "ordinarily" or "commonly appropriate action," respectively. *Officium perfectum* implies the true virtue of the wise man; *officium medium*, the political virtue of the citizen. For Cicero choosing *officium* as the Latin translation of the Greek word *kathekon*, see Cicero, *Letters to Atticus* 16.11.4 and 16.14.3. For "appropriate action" being the most appropriate English translation, see Dyck, *A Commentary on Cicero, De officiis*, 3–8.

art (*ars*) *Ars* is the Latin equivalent of the Greek word *techne*, which means a man-made skill in manipulating something, be it a physical or a mental object. Such skill when refined by use and practice was considered to be "knowledge." Thus *ars* could mean, on the one hand, the skill or knowledge of shoemaking, and on the other, the skill or knowledge of medicine. I have translated it as "art" because this is the only English word that adequately conveys the full meaning of the word.

association (*societas*) *Societas* implies a group of people united in a common purpose. Such a group can be a business association, a political community, or even the common bonds uniting the entire human race. I have avoided translating *societas* as "society," as this word recalls to mind the modern division between state and society—a division wholly alien to classical political thought. Instead, I have translated it, along with its cognate *consociatio*, as "association." When either word is modified by *homo or humana*, I have consistently translated the phrase as "human association."

average (*mediocris*) See **average standard**.

average standard (*mediocritas*) *Mediocritas*, "averageness," is related to, but must be carefully distinguished from, *moderatio*, "moderation." Both words convey the meaning of something between two extremes. However, while *moderatio* primarily implies the concept of self-restraint, *mediocritas* primarily implies a middling position. Thus *mediocritas* implies something that is both average in the sense of "moderate," and average in the sense of "mediocre." I have chosen to translate *mediocritas* as an "average standard," and *mediocris* as "average," as they are the only English words that adequately convey both meanings, while avoiding the overly pejorative tone of the more direct English cognates, "mediocrity" and "mediocre."

beast (*bestia*) In 1.11 Cicero describes a beast as a living being that, like a human being, has appetite, but, unlike a human being, lacks reason. Throughout *On Duties* Cicero emphasizes a beast's lack of reason, even describing those least rational human beings as little better than beasts. While *bestia*, "beast," is commonly used, with the same meaning Cicero also uses *belua*, "brute"; *pecus*, "cattle"; and *fera*, "wild creature." For a human being having both appetite and reason, but a beast only appetite, see 1.11, 1.105, 1.107, 2.11. For exceedingly irrational human beings as little better than beasts, see 1.105. See also **appetite**, **human being**, and **reason**.

beneficence (*beneficentia*) Cicero enlarges upon the virtue of justice to include *beneficentia*, "beneficence," which he states is itself synonymous with *benignitas*, "kindness," and *liberalitas*, "liberality." It is not a virtue on its own, but subordinate to justice. See 1.20 and 1.42. See also **justice** and **liberality**.

beneficent (*beneficus*) See **beneficence**.

best people, adherents of the (*optimates*) An *optimas* was an aristocrat. He was someone who wished to maintain the traditional constitution of the Roman Republic, which placed greater emphasis on senatorial authority. Thus an *optimas* was usually seen as a responsible citizen and good man. I have translated *optimates* as "adherents of the best people." For the reasons why Cicero and classical political philosophy generally thought the best practical regime a mixed regime, weighted in favor of aristocracy, see the first two books of *On the Commonwealth*. See also **good man** and **those attached to the multitude**.

come to know (*cognoscere*) See **inquiry**.

commonwealth (*res publica*) *Res publica* literally means "the public thing." I have translated it as either "commonwealth" or "public affairs," rather than the anachronistic rendition "state" or misleading "republic." As Cicero uses the term, *res publica* is defined as being "the concern of a people." It implies a proper distribution of power within a political community, or a good regime, as opposed to any distribution of power. Good regimes include monarchy, aristocracy, and democracy. Each of these three can be a "concern of a people," while their opposites—tyranny, oligarchy, and anarchy—cannot. The former are good regimes insofar as they take into account the common good; the latter are bad insofar as they do not.

The question of what Cicero believed to be the best regime is contentious, as *On the Commonwealth* is a fragmentary dialogue. It is often assumed he advocated for the mixed regime, that is, a blending of the three good simple regimes. To be sure, he believed the mixed regime was the best *practical* regime, insofar as it was far more stable than any of the simple regimes. However,

Cicero's *best* regime may not be too dissimilar from Plato's. Monarchy is singled out as being the best simple regime, and there are strong suggestions that its monarch should be a philosopher-king. But, like Plato, Cicero saw such a regime as being highly unlikely, and most susceptible to corruption. For Cicero's definition of *res publica*, see Cicero, *On the Commonwealth* 1.39, 1.41, 3.43ff. For the mixed regime being the best practical regime insofar as it offered the most stability, see *On the Commonwealth* 1.69 and elsewhere. For the possibility of a qualified monarchy being the best regime, see *On the Commonwealth* 1.54ff. and 2.66–69. See also **political community**.

community (*communitas*) *Communitas* encompasses those things shared in common, *communis*, which tie human beings together in fellowship. As Cicero uses the term, it is synonymous with *societas*, or "association." Consequently, as there are different degrees of association, so are there also stronger or weaker degrees of community. I have translated *communitas* as either "community" or "a sense of community," unless otherwise noted. See 1.50. See also **association**.

correct (*rectum*) *Rectum* is similar in meaning to *ius*, or "right." To differentiate between the two, whenever possible I have consistently translated *rectum* as "correct"; when not, I have indicated the change in a footnote. See also **right**.

cultivation (*cultus*) *Cultus* means "a laboring at" and "improvement" of something, and so may imply agricultural cultivation (agriculture), political cultivation (civilization), mental cultivation (education), or physical cultivation (health). I have translated it as "cultivation" to retain the full meaning of the word.

custom (*mos*) *Mos* is a guiding rule of life, and hence a "way," "manner," or "custom" by which to live. If a man lived according to proper customs, he was considered *moralis*, or a "moral" man—a word formed by Cicero as the Latin equivalent of the Greek word *ethikos*, or "ethical." The question then arose as to which customs are proper—those according to one's ancestors, the divine, or nature, specifically, human nature? What does it mean to be moral? I have consistently translated *mos* as "custom," so as to retain the full meaning of the word.

discretion (*modestia*) *Modestia* is Cicero's translation of the Greek word *eutaxia*. *Eutaxia* means both the "good arrangement" of a thing and its "good behavior." There is a slight difficulty in Cicero choosing *modestia* as the Latin equivalent. *Modestia* ordinarily means the "good behavior of a person," and hence is usually translated as "modesty," and only loosely means the good arrangement of a thing, and so in that sense is usually translated as "moderate" or "moderateness." I have chosen to translate *modestia* as "discretion," since it adequately, if imperfectly, conveys both meanings. See 1.142.

duty (*munus*) While in Latin *munus* is often synonymous with *officium*, since Cicero chose *officium* as the Latin translation of the Greek word *kathekon*, I have distinguished between the two by translating *officium* as "appropriate action," and *munus* as either "function" or "duty," depending on the context. See **appropriate action**.

Epicureans (*Epicurei*) Epicureanism was the last of the four great philosophical schools in antiquity, founded after the Academy, Lyceum, and Stoa around 307 BC. Named after its founder, Epicurus (341–270 BC), Epicureanism taught a materialistic philosophy in which the universe was the result

of the chance collisions of invisible atoms moving through the void. Famous for its apolitical stance, Epicureanism denied the existence of the common good, believing human beings to be first and foremost individuals. Ethically, it held the good to be synonymous with the pleasant, and the bad with pain. Thus the Epicureans were accused of holding human well-being to be wholly bound to the body. Throughout his writings, Cicero consistently opposes Epicureanism.

equitable (*aequus*) See **equity**.

equity (*aequitas*) *Aequitas*, "fairness" or "equity," is said by Cicero to be "especially characteristic of justice." Cicero discusses what is "fair" or "equitable" throughout *On Duties*. I have translated *aequitas* as "equity" and *aequus* as "equitable." *Iniquus* and *contra aequitatem* have been translated as "inequitable." See 1.64, 1.89, 2.41, 2.83.

function (*munus*) See **duty**.

god (*deus*) Cicero's remarks on the gods or god are very reserved in *On Duties*, as the subject had already been discussed at great length in his *On the Nature of the Gods*, *On Divination*, and *On Fate*. Explicitly, we are told no more in *On Duties* than that the gods are the only other beings besides human beings that possess reason, human beings owe them nothing except piety, they are believed to inflict no harm upon human beings, and they have established by divine law an association between members of the human race. See 2.11–12, 3.23, 3.27–28, 3.102.

Implicitly, Cicero's most intriguing teaching on the gods occurs in 2.5. There he defines philosophy as "the pursuit of wisdom," and wisdom as "knowledge of things divine and human, as well as of the causes that comprise them." The crucial word in this passage is the verb "comprise"; in Latin, *continere*. More literally, *continere* means "to hold" or "keep together." If something is "held together" by something else, the former is subordinate to the latter in primacy. Moreover, the verb also means if something is "held together" by something else, it is also "enclosed" or "limited" in what it can do. Here, not only human beings but also the gods are said to be "held together" and thus "limited" by "causes"; in Latin, *causae*. If the gods or god are caused by something else, that "something else" can only be nature. In sum, Cicero's definition of philosophy is "the pursuit of wisdom," and wisdom is defined as knowledge, essentially, of natural causes. Thus he subtly implies that the gods are not the first things—and so the primary object of inquiry—but rather nature itself.

good man (*bonus vir*) As Cicero uses the term, *bonus vir* has three meanings. First, it alludes to a legal meaning in Roman law, as found in *Digest* XIX.2.24 and alluded to by Cicero in 3.70 and 3.77; second, to a political meaning, as in a responsible member of the Senate who favored traditional Roman republicanism; and, third, to a philosophical meaning, as in a citizen who practices justice and moderation, at least "ordinarily," as opposed to "entirely" understood. In this latter sense, it is similar in meaning to Plato's use of *kalos kagathos*. See 1.46 and 3.16 for the last and perhaps most important meaning.

greatness of spirit (*magnitudo animi*) *Magnitudo animi* is the third virtue comprising the honorable. Cicero defines *magnitudo animi*, or "greatness of spirit," as "a spirit great and elevated and contemptuous of human affairs." However, the crucial component of magnanimity is courage to fight "on behalf of communal well-being." See 1.12, 1.15, 1.61–62. See also **honorableness** and **spirit**.

honorable (*honestum*) See **honorableness**.

honorableness (*honestas*) *Honestas* and its cognate *honestum* are Cicero's translations of the Greek word *kalon*. I have translated *honestas* and *honestum* as "honorableness" and the "honorable," respectively. Honorableness is the collective term for the four virtues: wisdom, justice, magnanimity, and propriety. Cicero states in 1.14 that these virtues, and thus honorableness as such, are honorable and praiseworthy, not by convention, but nature. **See greatness of spirit**, **justice**, **propriety**, and **wisdom**.

The conflict between the honorable and the useful is one of two fundamental conflicts in *On Duties*, the other being the conflict between the virtues of wisdom and justice. See 1.15. See also **utility**.

human being (*homo*) *Homo*, a "human being," may be said to be *animans*, a "living being," but never *bestia*, a "beast." In 1.11 Cicero describes the central difference. Common to all living beings is "the appetite to unite for the sake of procreation and to show a certain degree of concern for their offspring." But whereas the beast "is roused only insofar as to apply itself to what is immediate and present—and to this alone—with quite minimal awareness of past or future," "the human being, since he partakes in reason, which allows him to discern consequences, may perceive the causes of things." Thus the central difference is man's ability to reason. See 1.11, 1.105, 1.107, 2.11. See also **appetite**, **beast,** and **reason**.

I have consistently translated *homo* as "human being," except when occasionally translating it as the adjective "human"—e.g., *hominum societas* as "human association." *Homo*, the quality of being human, must be carefully distinguished from *vir*, the quality of being a man, and *mulier*, the quality of being a woman. See 1.61, 1.94, 1.130. See also **man** and **woman**.

improper (*dedecet, dedecus, indecorum*) See **propriety**.

impropriety (*indecorum*) See **propriety**.

inequitable (*iniquus*) See **equity**.

injustice (*iniustitia*) Derived from *ius*, the Latin word for "right," *iniustitia* literally means "the quality of not being upright," and thus implies "the quality of being unjust." I have translated it as "injustice." Cicero lists two kinds of injustice: "first, the injustice of those who inflict harm; second, those who, although able, do not repel harm from those upon whom it is being inflicted." See 1.23. See also **justice** and **right**.

inquire (*cognoscere*) See **inquiry**.

inquiry (*cognitio*) *Cognitio*, "inquiry," is derived from the verb *cognoscere*, "to come to know" or "to inquire." Cicero chiefly uses *cognitio* and *cognoscere* to explain contemplative activity. Neither word signifies the possession of knowledge, but rather the pursuit of knowledge. Moreover, throughout *On Duties*, Cicero continually presents himself as one "searching into" or "seeking" the truth. The verbs he consistently uses are *quaerere* and *exquirere*, both of which mean "to search into" or "to seek," and imply a desire to learn. Thus all four words exemplify philosophy as understood by an Academic skeptic such as Cicero.

just (*iustus*) See **justice**.

justice (*iustitia*) Cicero's second unnamed virtue comprising the honorable is defined as "the most widely applicable [virtue] by means of which human association and, as it were, communal life may be sustained." Cicero never gives a collective name to this second virtue, instead choosing to discuss its two parts, *iustitia*, "justice," and *beneficentia*, "beneficence." Since he subordinates the latter part to the former, and in general attaches more importance to justice, in the outline to the book and elsewhere I have labeled the second virtue, collectively, "justice." Derived from *ius*, the Latin word for "right," *iustitia* literally means "uprightness," and thus implies the quality of being "just." See 1.20 and 1.42. See also **beneficence, honorableness**, and **right**.

Throughout *On Duties* there is a tension between justice and wisdom—that is, between the claims of the political life and those of the contemplative life. This is one of two fundamental conflicts in *On Duties*, the other being the conflict between the honorable and the useful. For the conflicting superiority of wisdom and justice, see especially 1.153–60. See also **wisdom**.

justly (*iuste*) See **justice**.

liberal (*liberalis* and *ingenuus*) See **liberality**.

liberality (*liberalitas*) *Liberalitas*, "liberality," is the quality of being a free person. Thus it meant "liberality" in the original sense of the word: gentlemanly, learned, and generous. A "liberal" man was not necessarily a "tolerant" man in the modern sense, and he certainly was not a proponent of "permissive egalitarianism" in the contemporary sense. I have translated *liberalitas* as "liberality," and both *liberalis* and *ingenuus* as "liberal."

longing (*cupiditas*) *Cupiditas* means an intense desire or love for something, be it an object or a person. It is the Latin equivalent of the Greek word *eros*. I have translated it as "longing." I have also translated its cognate *cupidus* as "one who longs" or "is longing" for something.

magnanimous (*magnanimus*) See **greatness of spirit**.

man (*vir*) Cicero draws a distinction between *homo*, "human being," and *vir*, "man," as opposed to "woman." The former includes qualities shared by both men and women; the latter, qualities shared only by men. I have translated *vir* as "man" and *virilis* as "manly." See 1.61, 1.94, 1.130. See also **human being** and **woman**.

manly (*virilis*) See **man**.

mind (*animus*) See **spirit**.

natural (*naturalis*) See **nature**.

nature (*natura*) *Natura*, or "nature," was defined differently according to how the different philosophical schools understood nature. The study of nature was called *physica*, or "physics," from the Greek word for nature, *phusis*. In *On the Nature of the Gods* 2.81–82, Cicero defines nature as it was understood by the four principal schools of his time. The first definition is Academic, and argues for a mechanical universe; the second, Stoic, an intelligent universe; and the third, Epicurean, a meaningless universe. The Peripatetics seemed to oscillate between the Academic and the Stoic conceptions: "Some suppose that nature is a kind of force that lacks reason and induces necessary

motions in bodies; but others that nature is a force that partakes in reason and orderliness—as if she were proceeding along a path, revealing what she does for the sake of each thing, at what she aims—whose ingenuity no art, no hand, no craftsman can achieve by imitation. . . . But there are still others who call *everything* by the name of 'nature,' such as Epicurus, who thus divides everything that exists within nature into bodies and void and the interactions that might occur between them."

For the first definition being Academic, see *On the Nature of the Gods* 3.27–28. For the second being Stoic, see *Academics* 2.119; *On the Nature of the Gods*, 2.4–6, 2.73ff., 3.65. For the third being Epicurean, see *On the Nature of the Gods* 1.54, 1.65–67, 1.73. Finally, for the duality of Peripateticism, see *Academics* 2.119–21; *On the Nature of the Gods* 1.35.

Cicero further uses *natura* in two terms that must be carefully understood. The first is ***status naturae***, or "the state—" or "the condition of nature." At first glance this phrase reminds one of "the state of nature" spoken of by early modern thinkers such as Thomas Hobbes; however, the exact opposite is meant. Both Cicero and Hobbes agree that there is a state or condition in which human beings live according to their nature; they disagree entirely on what that state or condition is. For Cicero, as well as for most classical political philosophers, the state of nature for human beings is the fully developed human being living within a political community. Human beings are said to be political animals whose full humanity or virtue can only be achieved within a political community. For Hobbes, as well as for most modern political philosophers, the state of nature for human beings is a prepolitical mass of antagonistic individuals. Human beings are said to be first and foremost individuals concerned solely with their own individual security and comfort. Man exits this modern state of nature and constitutes a political community, not because he is political by nature, but because it is useful to do so. In other words, as an individual, he realizes he has a better chance to achieve security and comfort in an "artificial" political community than in "natural" anarchy. Thus a fundamental difference between Cicero and Hobbes, classical and modern political philosophy, is whether or not man is by nature a social animal. For the classical meaning of the term "state of nature," see Aristotle, *Physics* 246a; Cicero, *On Ends* 3.16, 3.20; *On the Laws* 3.3. For the modern meaning of the term, see Hobbes, *On the Citizen* Preface; *Leviathan*, chap. 13; Locke, *Second Treatise of Government*, chaps. 2 and 3.

The second term is ***lex naturae***, or "law of nature." Cicero uses it in one of two senses: first, in a Stoic sense in which its meaning is synonymous with *lex naturalis*, or "natural law," and, second, in a general sense in which its meaning is synonymous with *ius naturale*, or "natural right." The former use rests on laws decreed by a supreme god; the latter, on human wisdom alone. For the first sense, see especially 3.23, 3.27–28; *On the Commonwealth* 3.33; *On the Laws* 1.18–19, 1.22–23, 2.8. For the second sense, see *On the Commonwealth* 1.27.

Peripatetics (*Peripatetici*) The second of the four great philosophical schools of antiquity, the Peripatetics were so called after their founder Aristotle's habit of lecturing while walking around the colonnades in the Lyceum. While the Lyceum became famous for its association with Aristotle and his students, it had long before been a gymnasium dedicated to Apollo Lyceus, or "Wolf-God." Founded around 335 BC, Peripateticism taught that the universe emanated from a first-mover, a perfect being that all lesser beings strive to imitate. Ethically, it maintained a position between that of Epicureanism and Stoicism. It held bodily pleasures and external things to be goods, but virtue to be the highest good. Thus human well-being was bound to both body and mind, with greater emphasis being given to mind and virtue.

philosophy (*philosophia*) *Philosophia* is the Latin word, borrowed from Greek, for "philosophy." Cicero defines philosophy simply as "the pursuit of wisdom." The question then becomes, What is wisdom? See 2.5; Cicero, *Tusculan Disputations* 5.9. See also **wisdom**.

political community (*civitas*) In *On the Commonwealth* 1.41, Cicero distinguishes between a *civitas*, which he defines as being "the organization of a people," and a *res publica*, "the concern of a people." The former refers to the distribution of power within a given political community, that is, to its regime; the latter, to a proper distribution of power, or to a good regime. I have distinguished between the two by translating *civitas* as "political community" and *res publica* as "commonwealth." I have avoided translating *civitas* as "political society" or "civil society," as both invoke an anachronistic separation of state and society. For similar reasons, I have also avoided the outdated translation "city-state." See Cicero, *On the Commonwealth* 1.39, 1.41, 3.43ff. See also **commonwealth**.

proper (*decet, decorum, decus*) See **propriety**.

propriety (*decorum*) *Decorum* is the fourth virtue comprising the honorable. Cicero chose *decorum* as the Latin equivalent of the Greek word *prepon*. I have translated both *decorum* and its cognate *decus* as "propriety" or that which is "proper," depending on context. I have also translated the verb *decet* as that which is "proper." Conversely, I have translated *dedecorum*, *dedecus*, and *indecet* as "impropriety" or "improper," depending on context. See 1.93. See also **honorableness**.

prudence (*prudentia*) Although Cicero encapsulates *prudentia*, "prudence," within the first virtue of *sapientia*, "wisdom," he carefully distinguishes between the two. He chose *prudentia* as the Latin equivalent of the Greek word *phronesis*, or "knowledge of what must be pursued and what must be avoided." He further states *prudentia* is all but synonymous with *modestia*, or "discretion." For Cicero's definition of *prudentia*, see 1.153. For *prudentia* being synonymous with *modestia*, see 1.142–43. See also **discretion** and **wisdom**.

public affairs (*res publica*) See **commonwealth**.

public offices (*imperia* from *imperium*) See **rule**.

reason (*ratio*) *Ratio* literally means a "reckoning" or "reasoning." I have translated it as either "reason" or "reasoning." In 2.5 Cicero states that only gods and human beings possess reason. He defines reason itself when describing the nature of the human mind. He states that the human mind has both appetite, which "pulls a human being here and there," and reason, which "teaches and explains what must be done or avoided" (see 1.101). This use of reason originates in a human being's ability to perceive deep into "the causes of things" (see 1.11), an ability that is itself prompted by his innate "longing to inquire and know" (see 1.18). Thus the "inquiry into truth belongs especially to human nature" (ibid). By contrast a beast has only appetite, and so "is roused only insofar as to apply itself to what is immediate and present—and to this alone—with quite minimal awareness of past or future" (see 1.11). See **appetite**, **beast**, **god**, and **human being**.

reasoning (ratio) See **reason**.

right (*ius*) *Ius* is the Latin equivalent of the English word "right." More literally, *ius* means "that which is binding according to its nature." When applied to human beings, it encompasses all good actions. Such actions are considered good because they are in accordance with man's nature. The question then becomes how to understand human nature—a question answered differently by the different philosophical schools. The Stoics argued that the good was synonymous with the honorable. The Epicureans equated the good with the pleasant, that is, with the useful. And the Academy and Peripatetics claimed that while the highest good was the honorable, such honorableness rested upon useful goods, such as the basic necessities of life, a measure of wealth, influence, and so forth. And it goes without saying that outside the philosophical schools what was considered good usually was—and still is—equated with the ancestral (see 1.118).

Since *ius* is so encompassing, it is often more narrowly translated as "justice," "law," or in reference to an individual's prerogative or "right" according to his office. Whenever possible, I have translated *ius* as "right," thereby preserving the full meaning of the term. The plural (*iura*) has been translated as "right principles." See also **correct**.

There are three further famous distinctions made in Roman law: ***ius civile***, ***ius gentium***, and ***ius naturale***. What a particular political community (*civitas*) established for itself as right or lawful was called *ius civile*; what all peoples or nations (*gentes*) observed as being right or lawful was called *ius gentium*; and, finally, what was right or lawful according to nature itself (*natura*) was called *ius naturale*. Often *ius naturale* was synonymous with *ius gentium*, as seems to be the case in *On Duties* (see 3.23). However, elsewhere Cicero strongly argues against establishing what is right *ex consensu gentium*, or "from the agreement of peoples." For a discussion of the three distinctions in Roman law, see especially Barry Nicholas, *An Introduction to Roman Law* (Oxford, 1962), 54–59. For Cicero arguing against establishing what is right *ex consensu gentium*, see *On the Nature of the Gods* 1.62 and *On Divination* 2.81.

right principles (*iura* from *ius*) See **right**.

rule (*imperium*) *Imperium* broadly means "authority to rule," be it the authority of a government official, or the authority of the Roman commonwealth as a whole. This latter meaning was later used to refer to the Roman Empire. Since *imperium* does not necessarily imply dominant rule or sovereignty, I have translated it in the singular as "rule," and in the plural as "public offices." I have also translated the verbs *imperare* and *regnare* as "to rule."

seek (*exquirere* and *quaerere*) See **inquiry**.

spirit (*animus*) In a general sense, *animus* is that part of man that is distinct from his physical body, and so means "spirit" or "soul." In a more specific sense, it means "mind." Cicero will play on this dual meaning, especially in sections devoted to magnanimity. I always translate *animus* as "spirit" except when it refers to man's mental activities, such as the "perturbations of the mind," etc. The reader can always follow Cicero's use of *animus* and his play on its dual meaning, as no other words have been translated the same way. Finally, I have chosen to translate *animus* as "spirit" rather than "soul" because "spirit" invokes the full meaning of *animus*, namely, with respect to a man's spiritedness, or courage, as well as his mind-set, or intention in doing something. For the use of *animus* as courage, see, e.g., 1.61–63, 2.36, 3.47; as intention, see, e.g., 1.45, 1.49, 1.66. See also **greatness of spirit**.

Stoics (*Stoici*) The third of the four great philosophical schools of antiquity, the Stoics were named after the Stoa Poikile, or "Painted Porch," in the Athenian Agora, in which their founder, Zeno of Citium (335–263 BC), taught beginning around 300 BC. Stoicism taught a deterministic philosophy in which the universe is ruled by a material divine mind. Ethically, it held the only good to be virtue. All else was either morally neutral, that is, to be "preferred" or "rejected," or was simply bad. If the Epicureans understood human well-being to be wholly bound to the body, the Stoics were accused of holding it to be entirely bound to the mind and virtue.

sustenance (*victus*) *Victus* means "the things upon which one lives," and so implies the basic necessities of life, such a food, clothing, shelter, and the availability of other resources. This is the Ciceronian equivalent of Aristotle's *choregia*, or basic "equipment" necessary for mere life, to say nothing of virtuous life. I have translated it consistently if imperfectly as "sustenance." See esp. 1.12 and 1.158. See also Aristotle, *Politics* 1325b34ff.

those attached to the multitude (*populares*) A *popularis* was not a democrat. He was someone who bypassed the Senate in order to get something approved directly by the people. Thus a *popularis* was not necessarily an adherent of democratic initiatives, but rather supported them in order to advance his own political agenda. I have translated *populares* as "those attached to the multitude." See **best people, adherents of the**.

unjust (*iniustus*) See **injustice**.

unjustly (*iniuste*) See **injustice**.

use (*usus and uti*) See **utility**.

useful (*utile*) See **utility**.

utility (*utilitas*) *Utilitas* and its cognates *usus* and *utile* are derived from the verb *uti*, "to use," "to enjoy," or "to take advantage of." Utility includes what is advantageous or profitable, but also what is necessary, such as the basic necessities of life. I have translated *usus*, *uti*, *utile*, and *utilitas* as "use," "to use," the "useful," and "utility," respectively. Consistent translation of *uti* is particularly important, as Cicero makes good use of the verb in order to draw readers' attention to how much "the useful" encompasses.

The conflict between the useful and the honorable is one of two fundamental conflicts in *On Duties*, the other being the conflict between the virtues of wisdom and justice. See 2.1. See also **honorableness**.

virtue (virtus) *Virtus*, "virtue," is the Latin equivalent of the Greek word *arete*. Unlike *arete*, *virtus* literally means "the qualities of being a *vir*," a man, as opposed to a woman. Originally such qualities implied manliness, resolution, and valor, especially martial valor. The concept gradually took on the meaning of the qualities of an excellent human being. However, as classical political philosophy usually saw manliness as prerequisite for human excellence, *virtus* might be a more accurate word for the concept than *arete*. The reason is linked to the argument that the human being who possesses one virtue possesses them all (see 2.35). Such an argument presupposes that all virtuous action depends on knowledge of virtue, that is, on wisdom (see 1.159 and 3.13–16). And classical philosophers such

as Aristotle believed women incapable of consistently submitting passion to reason, and thus of attaining wisdom. See Aristotle, *Politics* 1260a.

Cicero defines virtue in *On Duties* as encompassing four sorts of qualities: wisdom, justice, magnanimity, and propriety. These four he collectively calls "honorableness." See 1.15 and 1.61. See also **greatness of spirit**, **honorableness**, **justice**, **propriety**, and **wisdom**.

wisdom (*sapientia*) *Sapientia* is the first virtue comprising the honorable. Cicero carefully distinguishes between *sapientia*, "wisdom," and *prudentia*, "prudence." He defines wisdom twice. The first definition is Stoic in 1.153, in which wisdom is said to be "knowledge of things divine and human—knowledge that encompasses the community between the gods and human beings, as well as the association between them." The second definition is that of "the philosophers of old" in 2.5, in which wisdom is said to be "knowledge of things divine and human, as well as of the causes that comprise them." The first definition explicitly states that wisdom is something dependent upon the divine, while the second implicitly hints that wisdom is something dependent upon nature. See **god** and **nature**.

Cicero's complete teaching on wisdom, however, can only be grasped by carefully studying *On Duties* as a whole. It essentially requires readers to fully understand the difference between "entirely" and "ordinarily" appropriate actions. Here I will offer a general observation on Cicero's teaching on wisdom in *On Duties*. Cicero's exceedingly terse treatment of wisdom in 1.18–19 is painfully noticeable. What is the reason for the apparent neglect? First, consider that Cicero states he will discuss only ordinarily appropriate actions, not entirely appropriate ones (see 1.7). Next, consider that when discussing the remaining virtues, useful things, or their comparisons, Cicero generally obeys a formula: he introduces an overly simplistic definition of the subject under consideration, proceeds to give precepts in light of that definition, and then subtly muddies the water by listing an exception or two. In so doing, he effectively argues on both sides of an issue and behaves like the Academic skeptic he is (see 2.8). Finally, consider that *On Duties* is addressed to Cicero's young son, Marcus, but not only to Marcus (see 2.45); it concerns Rome, but not solely Rome (see 2.74). It is addressed to all potential statesmen. These statesmen may or may not have the potential for wisdom. How can a man understand something that he is incapable of understanding, or, again, how can you teach a man something that cannot be given as a precept? What must be understood is that by first discussing ordinarily appropriate actions and then subtly introducing their exceptions, Cicero invites readers to consider what an entirely appropriate action might look like. Thus he makes readers discover the probable "right" answer for themselves. The entire treatise turns into one long dialogue between the author and the reader. Truly, this is the only way to teach the virtue of wisdom. See **appropriate action**.

Cicero further declares wisdom to be the preeminent virtue. However, throughout *On Duties* there is a tension between wisdom and justice, that is, between the claims of the contemplative life and those of the political life. This is one of two fundamental conflicts in *On Duties*, the other being the conflict between the honorable and the useful. For the conflicting superiority of wisdom and justice, see 1.153–60. See also **justice**.

woman (*mulier*) Cicero draws a distinction between *homo*, "human being," and *mulier*, "woman," as opposed to *vir*, "man." The former includes qualities shared by both men and women; the latter, qualities shared only by women. I have translated *mulier* as "woman" and *muliebris* as "womanly." See 1.61, 1.130. See also **human being** and **man**.

womanly (*muliebris*) See **woman**.

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Against Verres	*In Verrem*
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For Cluentius	*Pro Cluentio*
For Murena	*Pro Murena*
For Plancius	*Pro Plancio*
For Roscius of Ameria	*Pro Roscio Amerino*
For Sulla	*Pro Sulla*
Hortensius	*Hortensius*
Letters to Atticus	*Epistulae ad Atticum*
Letters to Friends	*Epistulae ad familiares*
Letters to His Brother Quintus	*Epistulae ad Quintum fratrem*
On the Commonwealth	*De re publica*
On Divination	*De divinatione*
On Duties	*De officiis*
On the Ends of Good and Bad Things	*De finibus bonorum et malorum*
On Fate	*De fato*
On Friendship	*Laelius de amicitia*
On Glory	*De gloria*
On Invention	*De inventione*
On the Laws	*De legibus*
On the Nature of the Gods	*De natura deorum*
On Old Age	*Cato Maior de senectute*
On the Orator	*De oratore*
Orator	*Orator*
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